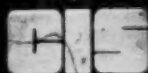


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**BASKET I—IMPLEMENTATION OF THE FINAL ACT OF THE
CONFERENCE ON SECURITY AND COOPERATION IN
EUROPE: FINDINGS ELEVEN YEARS AFTER HELSINKI**

R E P O R T

SUBMITTED TO THE

CONGRESS OF THE UNITED STATES

BY THE

**COMMISSION ON SECURITY AND
COOPERATION IN EUROPE**

Volume 2



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CHAPTER ONE—THE COMMISSION

Created in 1976 by Public Law 94-304 as an independent agency, the Commission on Security and Cooperation in Europe is charged with monitoring and encouraging compliance with the Helsinki Final Act.

The Helsinki Commission, as it is commonly known, is composed of 21 legislative and executive branch officials.

The Commission's mandate, as outlined in P.L. 94-304, is to "monitor the acts of the signatories which reflect compliance with or violation of the articles of the Final Act of the Conference on Security and Cooperation in Europe, with particular regard to the provisions relating to Human Rights and Cooperation in Humanitarian Fields." The Commission is further authorized and directed to "monitor and encourage the development of programs and activities of the U.S. Government and private organizations with a view toward taking advantage of the provisions of the Final Act to expand East-West economic cooperation and a greater interchange of people and ideas between East and West." Carrying out its mandate, the Commission actively documents violations of the Final Act, promotes public awareness of implementation of its provisions and helps formulate and execute U.S. Government policy on these issues.

Monitoring compliance, or lack thereof, with the Final Act is the Commission's main activity. Public hearings with expert witnesses have been held on such issues as religious rights in the Soviet Union and Eastern Europe, Soviet treatment of ethnic groups, emigration from the Soviet Union and Eastern Europe, family reunification and binational marriages, martial law in Poland, human rights violations in Ukraine, religious and national dissent in Lithuania, the Soviet invasion of Afghanistan, forced labor in the Soviet Union, restrictions on cultural freedom, and on the future of the CSCE process.

The Commission issues periodic reports, providing information on Final Act implementation to the Congress, the press and the public. Comprehensive reports on implementation, focusing on the records of the Soviet Union and East European states, were published previously in 1977, 1980 and 1982. U.S. compliance with the Final Act was the subject of a Commission report in 1979. In 1985, the Commission issued a report entitled, *The Helsinki Process and East-West Relations: Progress in Perspective* on the positive aspects of the implementation of the Final Act during the period 1975 through 1984.

Much of the Commission staff's daily activity focuses on human rights casework. Visa denials, cases of separated families, political prisoners, and other human rights violations are followed closely. The staff compiles and disseminates information on these cases and

advises family members, congressional offices and interested nongovernmental organizations (NGOs) on steps to resolve them.

Nongovernmental organizations are a primary source of information for the Commission as well as a major channel through which the Commission publicizes its work. The Commission is geared to bring the particular CSCE-related concerns of private groups to the attention of the government decision-makers. In turn, the Commission endeavors to make government policies and activities regarding CSCE more accessible to NGOs.

The Commission plays a unique role in planning and executing U.S. policy in various CSCE forums, beginning with the Belgrade Review Meeting of 1977-78 and including the Madrid Review Meeting of 1980-83. Commissioners and staff hold periodic meetings with officials of the executive branch on CSCE policy and implementation. The Commission is represented on U.S. Government delegations to CSCE meetings and participates in consultations with other governments which signed the Final Act.

CHAPTER TWO—THE LONG, HARD ROAD FROM HELSINKI TO VIENNA

HISTORY OF CSCE

The CSCE negotiations

The Soviet Union first proposed a European security conference on February 10, 1954, and periodically reiterated the proposal over the years. It appeared that Moscow's principal objective was to exploit such an event to produce a surrogate World War II peace treaty. The idea was received with little enthusiasm from Western and neutral nations. However, as both East and West began to move toward detente, a renewed Warsaw Pact appeal from Budapest on March 17, 1969, elicited a cautiously positive reaction from NATO. The West took the position that such a conference might serve a useful purpose, once some progress had been achieved on the issue of Berlin.

In December 1969, the NATO countries agreed that conclusion of a new Four-Power agreement on Berlin, aimed at effecting practical improvements in relations between the people on both sides of the Wall and between Bonn and West Berlin, could lead to allied willingness to participate in a Conference on Security and Cooperation in Europe (CSCE). The allies also increasingly emphasized the importance they attached to improving West German (F.R.G.) relations with East Germany (G.D.R.), the U.S.S.R., Poland and other Warsaw Pact countries. The Berlin Accord, signed September 3, 1971, took effect in June 1972. CSCE Multilateral Preparatory Talks thereupon opened in Helsinki the following November, after the Warsaw Pact countries had agreed to commence exploratory talks on Mutual and Balanced Force Reductions (MBFR) in Vienna, beginning in January 1973.

Stage I of CSCE took place at the Foreign Minister level in Helsinki from July 3-7, 1973. Ministers approved the "Final Recommendations" of the preparatory phase, which set the agenda and established mandates to committees and subcommittees during the stage II negotiations.

Stage II began September 18, 1973 in Geneva, where experts from the 35 participating countries met to work out the final document organized under four agenda items, or "baskets." After almost 2 years of intense and difficult negotiations, stage III opened in Helsinki on July 30, 1975. There the heads of state of the 35 nations signed the Final Act of the Conference on Security and Cooperation in Europe, commonly known as the Helsinki Agreement.

The nature of the Helsinki Final Act

The Final Act covers three major components of East-West relations: security; economic, industrial and scientific cooperation; and

humanitarian issues including basic human rights and specific concerns such as family reunification, travel, information flow, and educational and cultural cooperation. The document itself is comprised of three sections, popularly known as "baskets." The first basket contains 10 principles "guiding relations between states," including: inviolability of frontiers (Principle III), nonintervention in internal affairs (Principle VI), respect for human rights and fundamental freedoms (Principle VII) and self-determination of peoples (Principle VIII). In addition, Basket I deals with certain aspects of military security and disarmament, known as confidence-building measures (CBMs).

Basket II discusses cooperation in the economic sphere, including science and technology. There is a section known as Basket II B, which deals with issues of security and cooperation in the Mediterranean. Basket III calls for and encourages cooperation in the humanitarian fields: expansion of human contacts across borders; improvement of access to printed and broadcast information; improvement in the working conditions of journalists; expansion of cultural and educational cooperation.

Finally, there is a section entitled "Follow-up to the Conference," which calls for experts meetings and periodic review meetings of the 35 Governments.

In accordance with the desire of the signatories, the Final Act is not a legally binding document. In fact, the Final Act states that it is not eligible for registration as a treaty or international agreement under article 102 of the United Nations Charter.

Nevertheless, the participating States generally accept the proposition that, by signing the Final Act, they have given solemn, political commitments to fulfill their declared intentions. They can be held publicly, if not legally, accountable by other signatories. So accepted is this concept that not one of the participating States has relied on the nonbinding nature of the Final Act as a defense against charges of nonfulfillment of its provisions. Another concept agreed upon by all 35 signatories is that all areas of the Final Act are of equal importance. No one section of the document is to be emphasized at the expense of another and, conversely, no area is to be ignored or relegated to a lower status.

Follow-up meetings of the CSCE to date

The Helsinki Final Act's unique follow-up provisions call for periodic major review meetings—the first of which was held in Belgrade, Yugoslavia (1977-78) followed by one in Madrid, Spain (1980-83)—and for other spin-off fora, such as specialized or "experts" meetings on particular facets of the accords. The follow-up meetings provide opportunities for the signatory states to exchange views on the state of the Final Act's implementation and to adopt by consensual agreement new commitments which strengthen and expand upon the original Final Act provisions.

Insofar as the Final Act lacks an enforcement mechanism, these meetings are an important means by which a signatory state may be taken to task publicly for the violation of Helsinki standards. From the beginning, all Helsinki signatories have acknowledged that full implementation of the Helsinki accords' provisions cannot be accomplished overnight and that CSCE necessarily will be a

long-term process. Nonetheless, all signatories are expected to make constant and tangible progress towards full implementation.

As the following CSCE negotiating history will show, the closed Communist systems of the East bloc have been particularly resistant to human rights concerns and to the free flow of ideas, information and people across East-West borders. Efforts by the West to foster the balanced development and implementation of CSCE's humanitarian aspects thus have met with continuing East bloc intransigence.

Belgrade.—For 5 months—between October 4, 1977 and March 9, 1978—delegates of the 35 nations that signed the 1975 Helsinki accords met in Belgrade to determine how well the commitments set out in the Final Act of the Conference on Security and Cooperation in Europe had been kept. From their work, a new ingredient in East-West diplomacy emerged: recognition of human rights as an integral aspect of East-West relations. This was an important step on the road toward making Europe a place where human rights are universally respected in all countries, even though it carries no guarantees of speedy results.

Although participants to the Belgrade Meeting examined new proposals, drafted a concluding document and scheduled the next review meeting in Madrid, the main work of the Belgrade Meeting was a line-by-line review of the Final Act. To understand the advance made at Belgrade and the limits on it, it is necessary to remember the rules under which all decisions of the Helsinki process are reached. Decisions of the 35 countries can only be arrived at unanimously; each country has veto power and can reject any proposal or document by withholding its consensus. In addition, all procedural or administrative decisions must be arrived at by consensus. Moreover, the discussions at Belgrade were closed to the public and not transcribed, except for 2 weeks of formal, on-the-record speeches at the start and 1 week at the end of the meeting. Given these circumstances, Belgrade was more what therapists would call an "encounter session" than what jurists would regard as a tribunal. It was better suited for exchanges of views and arguments than for the issuance of formal findings or decrees.

Objectives and Results: The United States and its allies—along with many of the neutral and nonaligned countries—sought to make the review of Final Act implementation the touchstone of the Belgrade Meeting. For the United States, the most urgent and important matters centered on questions of human rights, for it was here that performance was the most glaringly deficient. The working sessions at Belgrade demonstrated the determination of Western and neutral signatories to record specific criticisms of Eastern implementation of the Final Act.

In reviewing past action (and inaction) and in presenting suggestions for new commitments to improve implementation of the Final Act, the Western delegations voiced concern over a number of Helsinki provisions, not just those directly related to human rights. Various East bloc practices came under critical scrutiny, such as barriers to the flow of economic information, impediments to contact between businessmen and potential customers, obstacles to the conduct of scholarly research or scientific collaboration, and censorship of cultural imports. While such topics were unusual diplo-

matic fare, they were not as sensitive aspects of Helsinki noncompliance as repression of dissent, persecution of religious believers, restriction of emigration and interference with journalists. Soviet delegates and their allies objected even to the mention of these latter topics. Discussions of domestic conduct in the field of human rights, the Soviets alleged, constituted interference in the internal affairs of a state (in violation of the Final Act).

Nevertheless the Soviet Union and some of the East European states counterattacked with alleged Western shortcomings, such as racism and economic injustice. In so doing they effectively conceded to the solid Western thesis that no aspect covered by the Final Act—as human rights are by the terms of Principle VII—can be purely a matter of domestic jurisdiction. Tacitly then, the East recognized the legitimacy of human rights as an issue of Helsinki compliance.

Operating under the rule of consensus, the end result of the Belgrade Conference was a terse communique noting that the meeting had been held, that the 35 countries disagreed on many issues, and that they had agreed to meet again at Madrid in 1980. The communique acknowledged the important role of the CSCE process and provided for an experts meeting on cooperation in the Mediterranean.

The Belgrade Concluding Document provided for three meetings of experts to continue the multilateral process and East-West dialogue between the follow-up meetings. Two of these, the Scientific Forum and the experts meeting on the Peaceful Settlement of Disputes already were called for in the Final Act. The third, an experts meeting on Cooperation in the Mediterranean, was the one new measure adopted by the Belgrade Meeting. These experts meetings, as the name indicates, were intended to be smaller-scale gatherings up to 6 weeks in duration, dealing with one or two specific CSCE issues. Subsidiary to the Belgrade and Madrid review meetings, the experts meetings were not empowered to make decisions, but could only adopt recommendations, by consensus, for consideration at Madrid.

The Hamburg Scientific Forum.—The Scientific Forum was a 2-week-long meeting in February 1980, preceded by a 6-week-long preparatory meeting that took place in Bonn in June–July 1978. Envisaged as a forum to bring together “leading personalities” in the scientific communities of the participating States—and in this sense the closest CSCE parallel to the Budapest Cultural Forum—the Scientific Forum was originally intended to make a substantial contribution to scientific exchanges among the participants and their scientific institutions. Most delegations, including the one for the United States, consisted mainly of scientists representing a broad range of scientific concerns and endeavors. Unfortunately, the forum took place in a troubled atmosphere, coming on the heels of the Soviet invasion of Afghanistan and the arrest and internal exile of Nobel Prize-winning physicist Andrei Sakharov. During the meeting itself, the Soviet Union was subjected to scathing criticism by a large number of delegations for the treatment of its scientists.

Significantly, the Final Report of the Scientific Forum contained a reference to the importance of human rights in fostering coopera-

tive exchanges, the first explicit reference to human rights in a CSCE document since the original commitment was made in the Final Act in 1975. The Soviets' willingness to agree to this reference demonstrated a readiness to accept strong criticism when perceived to be in their interests to do so—in this case, because, in their view, it would help preserve scientific exchanges and the continuation of the CSCE process.

Montreux Meeting on the Peaceful Settlement of Disputes (PSD).—The Montreux Meeting took place from October 31–December 11, 1978. This meeting was essentially a continuation of lengthy discussions held during the Geneva negotiations prior to the signing of the Helsinki Final Act. The basis of work at Geneva, as it was at Montreux, was a "Draft Convention on a European System for the Peaceful Settlement of Disputes," written by a Swiss legal professor. The concept of the peaceful settlement of disputes is embodied in the Final Act as Principle V of the Declaration of Principles section of Basket I.

Unfortunately, the Montreux Meeting ended without any tangible progress. The Soviet Union and its allies refused to agree to any third party mechanism which would include mandatory procedures for the settlement of international disputes, while Western and neutral countries insisted that mandatory procedures were the only way to enhance already existing methods.

Valletta Meeting on Cooperation in the Mediterranean.—The most problematic of the three experts meetings was the meeting on Mediterranean cooperation held from February 13 to March 26, 1979 in Malta. From the start of the CSCE process, the Maltese have advocated that the participating States pay more attention to the Mediterranean dimension of the Final Act. They have been particularly interested in involving states bordering the Mediterranean which are not CSCE signatories—Algeria, Egypt, Libya, Tunisia, Lebanon, Syria, Israel and Morocco—in the CSCE process and in ventures undertaken under CSCE auspices.

A wide range of proposals for enhanced Mediterranean cooperation (most introduced by Malta but some from other Mediterranean countries) were considered. Many of these proposals were later adopted as recommendations to be presented to the Madrid Meeting for further consideration and possible adoption.

The Valletta Meeting was marginally useful in encouraging somewhat greater cooperation in the Mediterranean without burdening the CSCE process with new administrative machinery and without interfering in ongoing Mediterranean projects.

Madrid.—While the first CSCE review meeting in Belgrade (1977–1978) ended with a terse communique, the second review meeting in Madrid, which expanded over a 3-year period, ended with a comprehensive concluding document.

Objectives and Results: The protracted Madrid Meeting began on November 11, 1980 in the wake of the Soviet invasion of Afghanistan and under the threat of an invasion of Poland. The United States chiefly was interested in advancing human rights issues at the conference. The neutral and nonaligned (NNA) European states and NATO allies, fearing that a repeat of Belgrade at Madrid would diminish significantly the stature of the CSCE process and exacerbate East-West tensions, were extremely desirous to end the

Madrid Meeting with a balanced and substantive concluding document. To accomplish these interdependent goals, the United States and its allies developed and maintained a strong and united NATO negotiating position at the meeting.

Adding to the complexity of the negotiations was the fact that many West European and NNA Governments, under growing domestic pressures for disarmament, were anxious that the Madrid Meeting provide an impetus for improvements in East-West relations as well as for the invigoration of arms control negotiations. Combined with a strong effort by the Soviet Union, this led to a push to include in the final document a mandate for a Conference on Confidence- and Security-Building Measures and Disarmament in Europe. The West reasoned that the U.S.S.R. and its allies, then involved in a European "peace offensive" aimed at deflecting the Intermediate-Range Nuclear Forces deployments scheduled to begin in late 1983, had a stake in bringing the Madrid Meeting to a successful conclusion in order to show the world that detente was still viable. Under CSCE rules, adoption of a concluding document requires unanimous consensus of the 35 participating States. Ultimately, therefore, it was necessary to reconcile polarized NATO and Warsaw Pact positions.

The other major theme of the Madrid Meeting was human rights. The United States and other Western Governments, with the sympathy and often with the vocal support of the NNA, meticulously documented and protested the East's worsening human rights transgressions and pushed for the adoption of remedial measures.

One year into the already deadlocked proceedings martial law was imposed in Poland and negotiations came to a standstill. The next session was attended by all NATO and most NNA Foreign Ministers, who travelled to Madrid expressly to condemn the crack-down in Poland. As it was obvious that further negotiations would neither be appropriate nor productive under the circumstances then prevailing, the meeting recessed for 8 months. During the break, the human rights situation continued steadily to deteriorate in the Soviet Union. Solidarity was outlawed in Poland and human rights conditions elsewhere in the East bloc remained grim. When delegations returned to the negotiating table in the fall of 1982, the West collectively introduced a package of tough new proposals designed to address the continuing violations in Poland and those taking place elsewhere in the East.

Finally, after a third year of contentious negotiations over human rights and military security issues, the Madrid Meeting ended September 9, 1983 much as it had begun, in a darkening East-West atmosphere. Even the adoption of a lengthy concluding document was overshadowed largely by the Soviet shootdown of the Korean passenger airliner on the eve of the Madrid closing ceremonies. There had been virtually no change for the better in East bloc human rights behavior.

Conclusion and Outlook: For 3 long years at the Madrid Meeting, Western countries succeeded in focusing attention on human rights tragedies and the Eastern countries were forced to pay a political price for their violations of the Helsinki Final Act.

The concluding document that finally emerged from the Madrid Meeting is a balanced and substantive document containing promises for improved East-West relations and the mandate for a post-Madrid Conference on Confidence- and Security-Building Measures and Disarmament in Europe. The document also reflects the West's purposeful preoccupation with humanitarian questions throughout the course of the talks. New or strengthened provisions fall largely on those areas—human rights and human contacts—where experience has shown that the greatest problems exist. The modest textual advances over the original accords include oblique references to Helsinki monitors and direct reference to the right freely to join trade unions (a legacy of Solidarity), to enhanced religious liberty, to measures against terrorism, to better working conditions for journalists and to improved procedures for family reunification.

Provision was also made for specialized or "expert" meetings on a variety of subjects, including the Ottawa Human Rights Experts Meeting and the Budapest Cultural Forum in 1985 as well as the Bern Human Contacts Experts Meeting in 1986. In addition, the document called for a successor to the Belgrade and Madrid review conferences, to be held in Vienna beginning November 4, 1986. These meetings create, in effect, a continuing framework for the consideration of a broad range of East-West issues between and among the 35 participating States and keep the door open to the possibility of some concrete progress when the international climate is propitious and the political-will emerges.

Six meetings of the 35 Helsinki signatory states were mandated to be held between Madrid and Vienna in order to explore specific CSCE subjects in more depth. Also, in observance of Helsinki's Tenth Anniversary, a commemorative meeting was scheduled to take place in Finland in August 1985.

Conference on Confidence- and Security-Building Measures and Disarmament in Europe (CDE).—On September 9, 1983, the participating States accepted the Madrid Concluding Document which contained a precisely worded mandate for CDE. According to the Madrid mandate, the aim of the CDE is to "undertake, in stages, new, effective and concrete actions designed to make progress in strengthening confidence and security, and in achieving disarmament, so as to give affect and expression to the duty of states to refrain from the threat or use of force in their mutual relations."

On January 17, 1984, representatives of the 35 participating countries, convened the Stockholm CDE Conference. Designed to enhance CSBMs contained in the Final Act, the Conference's primary purpose was to adopt measures to reduce the danger of war due to misunderstanding or miscalculation.

The objective of the United States and the West at the CDE was to reduce the risk of war by making military activities more predictable and stable, and ensuring that no weapons of any kind are ever used.

The Soviet Union and its Warsaw Pact allies sought to portray the United States as militaristic. In general, the East attempted to broaden the scope of discussions of the Stockholm Conference to include issues outside of the Madrid mandate, such as reduction of conventional arms and general disarmament.

Work on specific proposals got underway in December 1984, with the creation of subsidiary working groups dealing with: Non-use of Force; Information, Verification, and Communication; Constraints; Notification; and Observation.

During the first 2 years, progress at the Stockholm Conference had been glacial due to fundamental differences between the East and West on what constituted the main substantive concern of the meeting. While the NATO countries proposed an array of concrete measures, such as notification and observation of military exercises as well as specific arrangements to monitor and verify compliance with them, the Soviets and their Warsaw Pact allies were reluctant to address the substance of the NATO proposals, charging that they were thinly-disguised efforts at military espionage and insignificant "technical" measures.

In an effort to break the impasse at the time, President Reagan offered in his Dublin speech of June 4, 1984 to "discuss" the Soviet proposal on the non-use of force in Stockholm in exchange for Eastern agreement to "negotiate" on Western CSBMs. While indicating a willingness to deal with the question of non-use of force, the West continued to reject the other Soviet proposals as either unacceptable or inappropriate for consideration at Stockholm.

At the November summit conference in 1985, President Reagan and Soviet leader Gorbachev called for "an early and successful completion of the work of the CDE" and expressed "their intention to facilitate, together with other participating States, an early and successful completion of the work of the conference."

Another impetus for reaching agreement at Stockholm was contained in Gorbachev's mid-January 1986 foreign policy statement, in which he accepted in principle the concept of on-site verification for arms control agreements and suggested that notification of independent naval maneuvers—one of the Warsaw Pact proposals at Stockholm—be "carried over to the next stage of the Conference." In addition, Secretary Gorbachev made special reference to the CDE during the course of his address to the Warsaw Pact leadership in Budapest during the spring of 1986. At that time, the Soviet leader expressed the possibility that proposals for reductions of armed forces and conventional weapons could be discussed during a "second stage" of the CDE.

In an effort to break this impasse in Stockholm, the 16 members of NATO introduced a package of modifications to their original NATO proposal put forward in February 1984. This proposal, put forward on June 30, 1986, was designed to enhance the CSBMs contained in the Helsinki Final Act by:

(1) Raising the numerical threshold above the original Western proposal of 6,000. The numbers under negotiation were in the range of 12,000–14,000 troops.

(2) Providing increased flexibility regarding mobilization practices to meet the concerns of nations which rely upon the mobilization of reserve forces for their national defense.

(3) Shortening the period of observation of notifiable military maneuvers, dropping the original requirement that observers be present for the entire duration of the exercise.

(4) Reducing the number of proposed annual inspections from the original proposal of 2 to 1.

Following the NATO initiative, the Soviets displayed greater flexibility on the crucial issue of verification. In a plenary address, Soviet Marshal Akhromeyev, announced that the Soviet Union was prepared to permit aerial and ground inspection as part of the verification regime under consideration in Stockholm. In an attempt to avoid a deadlock between the East and West over issues concerning aircraft to be used during inspections, the NNa offered to make aircraft available for such purposes. The issue consumed considerable time during the closing days of the conference. The West eventually accepted the NNa offer while the East flatly rejected it. The official clock was stopped on the evening of the 19th as the participants worked to resolve outstanding issues. Consensus finally came on September 21, nearly 3 years after the CDE opened.

The Stockholm Document

On September 22, 1986, representatives of the 35 participating States reached consensus on the following package of CSBMs:

Notification: Each state will be required to provide 42 days advance notification of military activities above a threshold of 13,000 troops or 300 tanks.

Observation: Each state will be required to invite observers to military activities over a threshold of 17,000 troops.

Inspection: Modalities include both on-site ground and aerial inspection. Each state within the zone of application will be subject to up to three on-site inspections per year, although no state will be obliged to accept more than one inspection from the same state during a single year. While aerial inspections will utilize aircraft supplied by the inspected states, inspectors will have access to the aircraft's navigational equipment, radios, and will be allowed to take photos of the area of inspection.

Inspectors must be permitted to enter the area of inspection within 36 hours after a request has been made. Upon arrival, inspectors will have 48 hours to complete their inspection.

Forecast: Each state will be required to provide an annual calendar of military maneuvers above the 13,000 troop threshold by November 15 of the preceding year. States must provide 2 years advance notification of maneuvers involving 75,000 troops and 1 years notice for those involving 40,000 troops.

Provisions of the Stockholm Document will come into force on January 1, 1987. The Vienna Meeting will review progress made in Stockholm and determine whether to proceed to a new stage of the CDE.

Athens Meeting on Peaceful Settlement of Disputes (PSD).—A follow-up to the 1978 meeting in Montreux, Switzerland, took place in Athens, Greece from March 21 to April 30, 1984. It concluded with the adoption of a four-paragraph final report indicating a basic lack of progress, which could doom the holding of further meetings on this subject in the CSCE context.

In contrast to the outcome of the Montreux Meeting, the Athens Final Report contained no recommendation for further meetings. It simply noted that the meeting was held, that there was much discussion on the examination and elaboration of a method for peacefully resolving disputes among the 35 states, and that no consensus on such a method was reached.

Venice Seminar on Economic, Scientific and Cultural Cooperation in the Mediterranean Within the Framework of the Valletta Meeting of Experts.—The Venice Seminar, held October 16–26, 1984, reviewed progress since the Valletta Meeting of 1979 and produced a final report calling for renewed action in specific areas. Unlike the East-West dimension of most CSCE meetings, the focus of the Venice Seminar was on relations between the more prosperous northern countries of Europe, the United States and Canada, on the one hand, and the Mediterranean states on the other.

U.S. objectives at the seminar—aimed largely at maintaining the status quo—were generally achieved. The United States and other CSCE participants undertook no additional specific commitments as a result of the seminar other than to give a pledge of general support for various Mediterranean economic, scientific and cultural activities, many of which were already underway.

Ottawa Human Rights Experts Meeting.—The NATO countries viewed the HREM as a centerpiece of the post-Madrid human rights-related meetings which the West insisted upon to ensure balance between the Final Act's humanitarian aspects and its security dimension. On May 7, 1985, experts from the 35 participating States convened to discuss "questions concerning respect, in their states, for human rights and fundamental freedoms, in all their aspects, as embodied in the Final Act." The HREM was mandated to "draw up conclusions and recommendations to be submitted to the Governments of all participating States."

The United States' principal objectives for Ottawa were: to demonstrate continued concern for human rights within the CSCE framework and commitment to achieving balanced progress in all aspects of CSCE, including human rights; to conduct an exhaustive review of compliance with CSCE human rights provisions, encouraging resolution of human rights cases; to encourage improved implementation of the Helsinki and Madrid human rights provisions through agreement on new measures; and, to counter efforts by the East to portray their social and economic systems as superior to those of the West in fulfilling human social and economic aspirations.

As early as the Ottawa preparatory meeting, which took place the 2 weeks immediately prior to the main meeting, it was evident that the Soviet Union and its East European allies viewed Ottawa chiefly as a "damage control" exercise. During the review of implementation phase of the meeting the West and sympathetic neutrals thoroughly addressed the East's human rights violations of freedom of expression, trade union and national minority rights, and freedom of religion as well as poor Soviet performance in the social and economic area. In response to the criticism, the Soviet delegation delivered a series of strident broadsides against the ills of capitalist society, taking particular aim at the United States and Britain.

Due to Soviet intransigence, the meeting failed to fulfill the second part of its mandate—the drawing up of conclusions and recommendations. Increasingly isolated and resented for their obstructionism, the Soviets refused to deal seriously with Western and neutral proposals related to improved human rights performance, in the end going so far as to block consensus on a recommendation

that the Vienna Meeting even consider holding another HREM. The West and the neutrals reaffirmed their essential unity of views and values on human rights, agreeing at the close of the HREM that no final document was preferable to one which would merely paper over differences.

An important legacy of the Ottawa Meeting was the draft document OME.47, a collection of conclusions and recommendations put forward by 17 Western countries (NATO states plus Ireland), which reflected a common human rights agenda.

The Helsinki Tenth Anniversary.—At the invitation of the Government of Finland, the Foreign Ministers of the 35 participating States met July 30 through August 1, 1985 in Helsinki to commemorate the Tenth Anniversary of the Final Act's signing.

Speaking for the United States, Secretary of State George Shultz said that it had no illusions in 1975, and has none today. Words alone cannot strengthen security and nurture freedom. "The message of the Final Act," Shultz stated, "was that we can reduce the divisions in Europe, that we can ease the sufferings they have caused, and that we can someday hope to see an undivided peaceful continent, if we are wise enough, practical enough, dedicated enough. . . . We all knew that it would not be easy to turn our hopes into reality. We knew that our expectations about what could be would have to be tempered by realism, that progress might come slowly." Secretary Shultz concluded that the lesson of the first 10 years of the Helsinki accords is that "greater security and a more stable peace among our nations depend on greater freedom for the people of Europe." This same theme was sounded repeatedly throughout the 3-day observances by all NATO ministers and by the vast majority of neutral and nonaligned envoys.

The new Soviet Foreign Minister Eduard Shevardnadze called the Helsinki Final Act a "document of truly historic significance" which "orients states to live in peace, to cooperate fruitfully, and not to foist one's own views and rules upon others." Shevardnadze's address was measured but heavily weighed with Soviet peace propaganda and allusions to a revival of detente. The thrust of his message was designed to skew Helsinki efforts away from human rights toward the Soviet conception of European security.

The Budapest Cultural Forum.—At the invitation of the Government of Hungary, a 6-week Cultural Forum convened in Budapest October 15, 1985. The Forum, attended by "leading personalities in the field of culture from the participating States," was mandated to discuss "interrelated problems concerning creation, dissemination and cooperation, including the promotion and expansion of contacts and exchanges in the different fields of culture." In all areas where Soviet agreement was not required, the results were good; where consensus was required, the Soviets and their allies blocked progress. Frank discussion of human rights-related cultural problems was possible but agreement on a substantive concluding document listing these problems was not. Contrary to the hopes and expectations of many delegations, the Reagan-Gorbachev summit in Geneva had no perceptible impact on the Forum.

Going into the Forum, the United States had several main objectives, all shared in greater or lesser degree by its allies. First, it was considered fundamental that there be a frank exposition of the

problems of cultural creation, dissemination and cooperation in the East-West context, including specific reference to the human rights-related issues which underlie those problems. The U.S. delegation (and other Western delegations) and a number of cultural personalities confronted a number of these issues head-on, naming both culprits and victims.

A second major goal was to assure the proper conditions for the activities of private groups and individuals present in Budapest during the Forum. When the U.S. at the Madrid Meeting, agreed to Budapest as the site for the Forum, the Hungarian Government promised to observe the Madrid precedent for treatment of nongovernmental groups and individuals. As it turned out, the Hungarians, in a formal sense, reneged on their commitment by refusing to permit NGO activities—primarily a series of seminars on cultural freedom organized by the International Helsinki Federation—to take place in hotel rooms. However, in practice, they were flexible and allowed the same activities to take place in private apartments. Given the reality in Eastern Europe, most observers, including the private participants, felt that the practical resolution of this problem was a positive outcome.

A third objective was to provide an opportunity for all cultural personalities to engage in a give and take discussion with their counterparts from other participating States. This aim was only partially achieved in the Forum itself because of the near total Soviet insistence on strict observance of CSCE procedures requiring speakers' lists and containing no limitation on the length of speeches. Outside the Forum, there were greater opportunities for more informal contacts among the cultural figures, which were exploited to some extent. An unexpected development was the initial hesitation or disinclination of a number of cultural personalities to discuss basic impediments to greater cultural cooperation such as censorship, jamming and travel restrictions. As the Forum wore on and more experience was gained, this initial reluctance to tackle core issues became less of a problem.

It was clear that the Soviets had decided early on against any kind of a substantive concluding document at Budapest, even one doing little more than listing the more than 200 proposals put forward by delegations and cultural personalities themselves during the Forum. The most the Soviets could have accepted was a short, factual statement along the lines proposed by the Hungarians at the last hour and unexpectedly vetoed by their fraternal Romanian neighbors. The Western countries in the end produced a proposed final document representing their views, BCF.116. While not adopted along with an Eastern proposal and an informal neutral compromise effort, BCF.116 presents a good, balanced statement of Western views toward East-West cultural relations.

Bern Human Contacts Experts Meeting.—Among other human contacts measures considered at Madrid, the Helsinki Commission staff initially proposed the idea for what later was to evolve into a Human Contacts Experts Meeting (HCEM). With great reluctance, and in order to facilitate agreement on their prime objective at the review conference—the CDE—the Soviets agreed to the HCEM near the end of Madrid. The meeting convened April 15, 1986 in Bern, Switzerland, 1986, in accordance with the mandate "to dis-

cuss the development of contacts among persons, institutions and organizations," the results of which were to "be taken into account, as appropriate, at the Vienna Follow-up Meeting."

A primary goal of the United States at Bern was to achieve better compliance on existing commitments. For the first time in CSCE, several Western countries witnessed some significant results occurring within the context of an ongoing CSCE meeting. The Romanian delegation announced the resolution of about one-half of the cases presented to it by the United States. The Bulgarians resolved 12 of 18 U.S. representation list cases the week before the Bern Meeting opened. On the last scheduled day of the meeting, the Soviet authorities in Moscow gave U.S. officials the names of 36 families whose cases were to be resolved. Within 10 days the names of an additional 29 families to be given permission to emigrate were announced. In all, the resolution of the Soviet cases would affect about 200 persons.

A second primary goal was to examine how the human contacts provisions of Helsinki and Madrid have been implemented thus far. The freer flow of people across East-West borders was forthrightly raised as the overriding humanitarian theme of the Bern Meeting. The West forcefully raised problems regarding family visits, family reunification, binational marriages, travel for personal and professional purposes, trade union contacts, postal and telephone communications, and contacts between members of a religious faith or a national minority. In light of the Chernobyl nuclear accident in the Soviet Union, which occurred during the course of the meeting, the U.S. delegation called upon the Soviet Union to improve channels of communication between Soviet citizens and their relatives in the West. The discussion, which often went into considerable detail on these issues, was direct but did not evoke responses from the East as confrontational as those at meetings in Ottawa and Budapest.

After a discussion of various new proposals submitted by both East and West, the West introduced a draft final document, BME.47, which distilled Western concerns and offered practical new provisions designed to reduce obstacles to East-West contacts. The East also tabled a document, BME.48, which attempted to divert attention from their implementation shortcomings.

As the meeting drew to a close, the neutral and nonaligned nations submitted a draft compromise document, BME.49, which incorporated elements from both Eastern and Western papers. While, as finally refined, all other 34 states indicated they could accept BME.49, the U.S. delegation at the last minute surprised the meeting by casting a lone veto, arguing that the text was so filled with loopholes and qualifications that any positive elements it contained would be outweighed by its shortcomings. Many delegations expressed strong disagreement and disappointment with the U.S. decision, but they agreed that the discussion at Bern in itself had made a useful contribution to the promotion of contacts between the peoples of East and West.

POSITIVE ASPECTS OF CSCE PRINCIPLES

Public diplomacy and the CSCE principles

The "Declaration of Principles Guiding Relations Between Participating States" stands at the heart of the Helsinki Final Act. These 10 principles set forth basic standards by which the signatory states agree to behave in their relations with one another, as well as the spirit in which they will conduct their relations with states not signatory to the Helsinki Agreement. As such, the Declaration can be considered the most important political element in the entire Helsinki document.

As anticipated, the provisions of the Declaration of Principles in Basket I have not been fully implemented since the signing of the Final Act in 1975. The Declaration has, however, helped to focus public attention on three issues—human rights abuses, the Soviet invasion of Afghanistan, and events in Poland during the past several years—which constitute instances of noncompliance. The principles have supplied the participating States with a justification and a useful diplomatic tool with which to call public attention to these and other violations of the Final Act. They have also constituted an international standard by which participating States can be held accountable.

The CSCE principles and the process originated at Helsinki have helped to establish human rights as a legitimate issue of international concern, and have provided additional instruments for calling attention to and promoting greater respect for such rights. In this sense, the entire process of CSCE has been a source of hope to citizens of the Soviet Union and Eastern Europe.

The comprehensive, probing review of implementation, held during the follow-up conferences in Belgrade from 1977-78 and in Madrid from 1980-83, clearly established the legitimacy of the human rights issue in East-West discourse. It is now generally recognized by the CSCE signatories that the manner in which a state treats its own citizens is of legitimate concern to all the other states in the Helsinki process and an integral element in building confidence and security among them.

The mere holding of the Belgrade and Madrid Review Meetings created political pressures which helped bring about some progress in human rights in the nations of Eastern Europe. These countries, wishing to diminish potentially embarrassing criticisms of human rights violations, took steps—some significant, others more cosmetic—prior to the review meetings to ease repressive or restrictive practices which might have been subject to criticism during the implementation review. In some countries, political prisoners were given amnesty, political dissidents permitted to emigrate and a number of long-standing family reunification cases favorably resolved. This pressure for compliance, induced by periodic review meetings such as Belgrade and Madrid, has made the Helsinki process a significant and unique tool of international diplomacy through which the violators of human rights have been held accountable for those actions which contradict the Final Act.

Political relations and contacts with Eastern Europe

Among the political benefits of the CSCE process is that it serves, through various bilateral and multilateral contacts, as a channel for political dialogue with the East even when other forums have been reduced in status or suspended. It has thus contributed to more regular and stable East-West relations, despite continuing tensions and differences.

The Helsinki process has also provided a valuable multilateral framework which has encouraged bilateral discussions and high-level contacts between the United States and the nations of Eastern Europe other than the Soviet Union. The commitments undertaken at Helsinki—contained in the principles and, indeed, throughout the Final Act—have facilitated the United States' pursuit of a policy of differentiation in its relations with the countries of Eastern Europe. The Helsinki framework has enabled East European nations to engage in bilateral endeavors with the West, including the United States, that were not previously possible and has given the East European states marginally greater room for maneuver vis-a-vis the Soviet Union in conducting their foreign and domestic policy. This limited increase in flexibility has been demonstrated in the series of bilateral meetings covering the broad range of CSCE issues, including human rights, held between the United States and many of the East European countries since the end of the Belgrade Meeting in 1978.

These bilateral consultations provided the framework for a broader and more indepth exchange of views on both bilateral and international issues than would ever have been possible before the initiation of the CSCE process. For the most part, these talks were held between the Belgrade and Madrid Meetings as part of the bilateral approach to implementation called for in the follow-up section of the Helsinki Final Act. A new round of bilaterals is expected to take place around the time of the Vienna review conference in late 1986.

A unique and direct result of the human rights dimension of the Final Act were the two bilateral roundtable discussions on human rights issues held between the United States and Romania. Conducted in Bucharest in February 1980 and in Washington in February 1984, these human rights roundtables provided valuable opportunities for the United States to encourage improvements in Romania's human rights performance. Use of the human rights roundtable format was specifically endorsed by the Madrid Concluding Document. In addition to these bilateral U.S.-East European talks on CSCE issues, the Helsinki era ushered in a series of high-level talks between the United States and Eastern Europe in which CSCE issues were discussed at length.

The Helsinki monitoring movement

Following the signing of the Final Act, Principle VII, respect for human rights and fundamental freedoms, unexpectedly sparked a new awareness of and demand for basic human rights throughout the Soviet Union and the rest of Eastern Europe. The mass circulation of the text of the Final Act in the media of Eastern Europe made millions familiar with the important precepts on human

rights and fundamental freedoms which recently their Governments freely had endorsed. This development and what followed was welcomed by the United States as a positive step forward.

Beginning in May 1976, voluntary Helsinki Monitoring Groups were formed, first in Moscow and later in Lithuania, Ukraine, Georgia and Armenia. These small but unique and unprecedented citizens' groups were comprised of individuals guided by the Principle VII recognition of their right to "know and act upon" their rights. Seeking to encourage the Soviet authorities to bring their human rights practices more into line with the pledges it had made in Helsinki, these groups published numerous reports documenting violations of human rights. Numerous other monitoring groups concerned with specific issues covered by the Final Act's Declaration of Principles also emerged in the U.S.S.R. after 1976, many of which were affiliated with the original Helsinki Monitoring Groups. These included the Working Commission on Psychiatric Abuse, the Christian Committee to Defend the Rights of Believers, the Association of Free Unions of Workers (AFTU) and the Free Interprofessional Association of Workers (SMOT). In June 1982, the first unofficial peace group in the U.S.S.R., called the Group to Establish Trust Between the U.S.S.R. and the U.S.A., was formed in Moscow. This group issued appeals calling upon both the United States and the Soviet Union to end the arms race and specifically urged the U.S.S.R. to bring its practices, including the handling of foreign mail and access to foreign journals, into line with international norms. Regrettably, members of all these groups have been subjected to varying forms of harassment and repression including imprisonment and incarceration in psychiatric hospitals.

Similar citizen Helsinki Monitoring Groups were established in several other East European countries. In January 1977, in Czechoslovakia, approximately 300 citizens signed Charter '77 and formed a loose-knit organization which has published voluminous reports on the status of the Czechoslovak Government's implementation of its own laws and international obligations, including the Helsinki Final Act. Today, despite continued harassment and imprisonment, particularly of its leaders, there are over 1,000 signatories of Charter '77. In 1978, an affiliated group, the Committee for the Defense of the Unjustly Persecuted (VONS) was formed to report and document violations of basic human freedoms.

In Poland, the Committee on Worker's Self-Defense (KOR) was formed in September 1976 by a small group of intellectuals dedicated to defending the rights of striking workers in the city of Radom. In 1977, KOR broadened its activities to include the wide range of human and civil rights in Poland, and in 1979 organized Poland's first Helsinki Monitoring Committee, which like its counterparts in the other East European countries, has issued a series of reports documenting the observance of human and civil rights in Poland. KOR was subsequently instrumental in the formation of the free trade union, Solidarity, in August 1980, and key members were arrested after martial law was imposed in 1981. These members were released from prison in the July 1984 conditional amnesty. Today, a newly constituted Helsinki Committee, closely affiliated with the Solidarity Underground, regularly issues reports documenting human rights violations in Poland.

Clearly, the Helsinki Final Act and, specifically, the Basket I Declaration of Principles has kindled new hopes and evoked new awareness of human and civil rights throughout Europe and North America. Despite the repression of many of the members of the various Helsinki Monitoring Groups in the East European countries, these groups have demonstrated that the Helsinki Final Act is a unique and unprecedented means of exposing human rights abuses in their respective countries.

The Final Act prompted the establishment of a Helsinki monitoring movement in the United States and Western Europe as well. The Commission on Security and Cooperation in Europe, a U.S. Government agency, was formed in 1976 and charged with monitoring and encouraging Helsinki compliance in Eastern Europe as well as the United States. In the private sector, the New York-based Helsinki Watch Committee was established in 1978 and has issued numerous comprehensive reports on the status of human rights in CSCE signatory nations, including the United States. Helsinki Watch has counterparts in eight European countries and together these organizations form the International Helsinki Federation for Human Rights with headquarters in Vienna. The Helsinki process also reinvigorated the many existing human rights, ethnic and religious organizations in North America and Europe who focused their efforts on achieving compliance with the principles of the Final Act.

Strengthening NATO unity

From the U.S. perspective, one of the most important contributions of the CSCE process has been the possibilities it has afforded for the strengthening of unity and cohesion among the NATO allies. The approach of the United States to many of the significant issues raised by the Helsinki Final Act often has differed from that of West European allies. Nevertheless, these differences have been resolved and the NATO group has consistently been able to speak and act in concert. Such unity of purpose has been critical to the progress that has been made in CSCE.

NATO unity has been preserved and strengthened through an elaborate caucusing mechanism in which differences between the allies have been meticulously ironed out. The focal point of these discussions has been NATO headquarters in Brussels, where CSCE issues are considered on a regular basis. During CSCE review or experts meetings, the heads of delegation of all the NATO countries regularly meet as a NATO caucus to discuss pertinent developments and to coordinate policy. The success of these NATO caucuses at the Belgrade and Madrid Meetings, as well as at the numerous experts meetings held in the CSCE process, has significantly advanced the spirit of allied unity among NATO countries, particularly at a time when the alliance has been under stress in other areas.

THE EUROPEAN VIEW

On the basis of information supplied to the Commission by other signatory states, a clear picture emerges that in Western Europe, as in the United States, the Helsinki Final Act and, in particular,

its Basket I Declaration of Principles, is considered to have brought several nonquantifiable yet important political benefits. Broadly speaking, these countries consider the central contribution of the CSCE process, embodied in the principles set forth in Basket I, to be the establishment of a lasting framework of East-West relations, within which both sides have been forced to confront and deal with a wide array of important political, military, social and cultural issues.

For the West Europeans, the CSCE process has added a new multilateral dimension to relations in Europe, setting relations between them, despite occasional setbacks, on a new more forward-looking course, aimed at increasing dialogue and mutual understanding. More specifically, the Europeans see the principles of the Helsinki Final Act as having provided a series of political advantages to the West including fostering high-level political contacts, the establishment of human rights questions as legitimate topics of international attention, and the establishment of a continuing monitoring process for human rights and other CSCE issues. Other benefits have included the encouragement of more independent activity by the nations of Eastern Europe and the increased significance of the role of the neutral and nonaligned (NNA) countries in solving the problems confronting contemporary Europe.

High on the list of significant contributions of the CSCE process in the view of many West European states is the notion that the Helsinki Final Act and its principles have enhanced the normal fabric of East-West bilateral relations by building upon established principles of mutual cooperation and supplementing them in fields not covered by existing bilateral treaties and arrangements. This has been particularly true in the case of the F.R.G.-G.D.R. relationship.

As Austrian Foreign Ministry officials have pointed out, the CSCE process has helped to maintain, in the troubled 1980's, a modicum of bilateral cooperation between East and West built up during the detente era of the 1970's. Corresponding to this view, French officials emphasized that the Helsinki process has provided the only forum within which all European countries (with the exception of Albania) can meet consistently together and currently contributes the only effective forum wherein East and West are talking on a regular basis. The French consider the CSCE framework to be the only concrete proof of the unity of Europe. Others consider CSCE as one of the few surviving elements of detente.

Some West European countries take this notion even further. Finnish Foreign Minister Paavo Vayrynen has expressed concern that, without CSCE, East and West currently would hardly be talking to one another and that there would be no instrument to discuss serious East-West issues. An official of the Dutch Foreign Ministry has emphasized the importance of the CSCE process as a natural channel of communication—a channel significantly kept open by the East when it had closed others in the wake of the NATO decision to deploy intermediate-range nuclear weapons in Europe. In fact, the CSCE process has provided the forum for all of the high-level political contacts held between the U.S.S.R. and the U.S. in 1983 to 1985, a time when bilateral relations were at a low point. Secretary of State George Shultz met with Soviet Foreign

Minister Andrei Gromyko in September 1983 at the conclusion of the Madrid Meeting, in January 1984 at the inaugural session of the Stockholm CDE Conference, and at the Helsinki Tenth Anniversary in August 1985, where Secretary Shultz and Soviet Foreign Minister Shevardnadze met for the first time. These CSCE meetings also provided opportunities for bilateral contacts among the other Foreign Ministers of Eastern and Western Europe. The ability of the CSCE process to weather storms in East-West relations was again demonstrated September 22, 1986, when the signatories reached consensus on a Stockholm document amid the tensions created by the hostage-taking of journalist, Nicholas Daniloff, which was threatening a United States-Soviet summit.

The proven durability and timelessness of the Final Act's Declaration of Principles are viewed by some West European states as enabling the nations of Europe to deal with crisis management situations in times of East-West tensions. In the view of Austria, the Helsinki process has contributed to a more relaxed atmosphere in Europe and, in many respects, has contributed to the development of less complicated procedures in the shaping of European political relations.

However, most West European states stop short of directly crediting CSCE for specific improvements in bilateral relations with nations of the East. Many of these improvements had been set in motion before the signing of the Helsinki Final Act and thereby could not be attributable solely to the influence of the CSCE process. For instance, Austrian officials note that the provisions of the Final Act's Declaration of Principles had been guiding Austria's relations with Eastern Europe even before 1975, and therefore could not be said to have a direct influence on its substantive relations with those nations. A notable exception to this case was the Federal Republic of Germany, which stresses that the F.R.G.-Polish agreements of 1975, that eventually enabled 270,000 ethnic Germans living in Poland to resettle in the F.R.G. bore a direct relationship to the signing of the Helsinki Final Act.

Most West European sources observe that high-level political contacts and visits with the countries of the East had increased since the CSCE process began, but notably do not attribute this increase either solely or directly to Helsinki-related factors. However, many do emphasize that CSCE had created the framework, despite increased East-West tension in recent years, for these bilateral and multilateral contacts to continue and even, in some cases, to expand. For instance, Greek officials note that they make reference to the Final Act in all agreements signed with the countries of Eastern Europe, but admitted that it was difficult to determine whether it was existing government policy or the Final Act which was responsible for the agreements themselves. Officials of the Federal Republic of Germany directly credit the CSCE process with having facilitated governmental contacts with the G.D.R., particularly the increasing high-level political contacts of recent years.

In the view of the West Europeans, the original Soviet goal of using the CSCE, particularly the Declaration of Principles, as a surrogate peace treaty ratifying the post-war political situation in Europe, has failed. CSCE has not led, as some had predicted, to a consolidation of Soviet domination over Eastern Europe. Nor has it

generated measures towards change in Western Europe. On the contrary, according to officials of the United Kingdom, the Final Act established a standard of behavior and values which already existed in Western Europe. While the Final Act did not require any fundamental changes in the societies of the West, it has in the East.

In addition, as pointed out by U.K. officials, the Final Act's Declaration of Principles, particularly Principle I on the sovereign equality of states, which recognizes the right to change frontiers by peaceful means, has provided the opportunity for the West, and particularly the F.R.G., to address the question of German reunification, as well as the general problem of the division of Europe, in a peaceful way.

Several countries noted that the principles of the Final Act have helped increase the maneuvering space of the smaller East European states vis-a-vis the Soviet Union. In this view, which is shared by the U.S. Government, the CSCE process has enabled the Soviet Union's Warsaw Pact allies to operate, at least marginally, more independently and more freely in multilateral endeavors in Europe. In addition, as noted by Foreign Ministry officials in the Netherlands, the people of the countries of Eastern Europe have attached great importance to the Helsinki principles as safeguards of national sovereignty.

A point stressed by several West European countries is that an important aspect of the CSCE process is the active participation of all European states, each having equal rights and, thereby, an equal voice in the future of the process. This political fact was deemed to be particularly important to the NNA countries who have endeavored to use their participation in the CSCE process to expand their political influence in Europe and their impact on issues heretofore considered solely in the domain of East-West relations. Noteworthy in this regard has been the key mediating role the NNA states have played at many fora held as part of the CSCE process, particularly the Madrid Meeting and Bern Human Contacts Experts Meeting. Similarly, the Stockholm CDE Conference has given the NNA countries an unprecedented opportunity to participate directly in important security negotiations affecting Europe.

The West European CSCE states are in basic agreement that the CSCE review mechanism, embodied in periodic review conferences such as Belgrade, Madrid and Vienna have added a new and valuable dimension to the CSCE process. As one Western CSCE signatory emphasized, the Helsinki process has brought the issues of human rights and human contacts into the focus of international attention. These sentiments have been echoed by officials of the United Kingdom who emphasize that CSCE has helped raise certain issues in a direct way with the countries of Eastern Europe which, prior to the Helsinki era, would have been difficult. Through the CSCE review mechanism, these Eastern countries have been forced to confront and discuss issues they would prefer to avoid, most notably, human rights. Similarly, Dutch officials emphasize that meetings like Belgrade and Madrid provided useful fora for calling attention to Soviet and East European human

rights violations. The pressure of review conferences of this sort has, in their view, a positive effect on implementation.

This view was also endorsed by many non-NATO countries. According to Swedish Foreign Ministry officials, the Helsinki Final Act and specifically Principle VII, the human rights principle, has legitimized international action and a process of criticism in matters relating to the safeguarding of human rights. Officials of the Holy See stressed that the CSCE principles opened a "Pandora's Box" permitting people recourse to action in terms of human rights and creating possibilities for concerned people throughout Europe to raise human rights issues directly with East European Governments, thereby making human rights a legitimate topic of international discourse. Through the CSCE process, many countries stressed, both East and West have had to acknowledge the mutual right to monitor implementation of all the provisions of the Final Act.

French officials carry this argument further. The principles of the Helsinki Final Act, they emphasized, permitted the West to maintain permanent pressure on human rights issues, and to make a direct connection between human rights and security issues in Europe. Without the Final Act, they note, the human rights movements in the U.S.S.R. and Eastern Europe would not have been able to operate as long as they have. The linkage of their activities to the principles of the Final Act has provided them extra latitude with the authorities in Eastern Europe.

The Europeans, however, are acutely aware of the limitations of the CSCE process and caution against excessive public expectations in human rights and other Helsinki-related issues as well. Most could agree with the sentiments expressed by former Swedish Prime Minister Olof Palme in his address to the inaugural session of the Stockholm CDE Conference. Despite progress in some areas, he said, respect for human rights in Europe had certainly not increased to the extent aimed at in Helsinki. While recognizing this fact, many cautioned that the CSCE process was geared to the long-term, that it could not bring about immediate, far-reaching improvements in various CSCE fields nor heal the ideological rift between East and West. In their view, it was never realistic to expect that CSCE standards of behavior would be implemented overnight. Nor could the CSCE process be counted on to preclude crises or setbacks in East-West relations.

Rather, in the European view, through the CSCE, a process of slow improvement of relations could be achieved. French officials stress that the spirit of Helsinki should not be viewed as something already achieved but as a dynamic, ongoing process with its own fluctuations. Similarly, officials in the United Kingdom stress that because one country might violate certain provisions of the Final Act, these actions by no means signified that the provisions were worthless. On the contrary, the French assert that while the Final Act had created the unfortunate illusion to some that relations with the Soviet Union had normalized, the CSCE process had nevertheless helped the West maintain relations with the East even during the worst of times. The mere existence of the CSCE process, in this view, has had a beneficial effect on life in all of Europe. Despite repeated violations of its provisions, the Helsinki Final Act

remains a fixed point of reference for public opinion in both East and West Europe.

While disappointment was expressed in many countries with the overall level of progress made in implementing the Final Act's human rights provisions, the Holy See emphasizes that the CSCE process had opened up unprecedented possibilities for improved respect for religious liberty in Eastern Europe. Improvements were particularly noted in the dissemination of religious material, in the well-being of various, but certainly not all, religious communities, and in the opportunities for increased contacts between these communities and the outside world.

THE CONSEQUENCES OF RENUNCIATION OF THE FINAL ACT

Arguments for renunciation

There have been suggestions that the United States unilaterally renounce, or threaten to renounce, the Helsinki Final Act on the grounds that continuing and egregious violations of the human rights provisions by the Soviet Union and its East European allies have, in effect, rendered the agreement meaningless. This argument views the Final Act as a trade-off between the Soviet desire for Western ratification of the post-World War II borders in Europe and the Western desire for Mutual and Balanced Force Reductions (MBFR) talks. In addition, to gain additional support for CSCE, the Soviets agreed to a set of provisions concerning human rights. Since Helsinki the Soviets and most of its allies in Eastern Europe have shown continuing and contemptuous disregard for the human rights commitments under the Final Act, and therefore, the United States need no longer be bound by its commitments under the Act. Indeed, according to this argument, continued U.S. involvement in CSCE serves to hide these violations and perpetuates the illusion that the Soviets have respectable humanitarian concerns.

The argument concludes that this "charade" should stop. If the United States should move to renounce the Final Act, hopefully in conjunction with some NATO allies, there is a possibility the Soviets and East Europeans might reconsider some of their policies in order to save what they may have to gain in the CSCE process. If not, they would at least get the message that there is a high price to pay for their poor human rights performance. Technically, all that is needed to renounce the Final Act, which is not a formal treaty and therefore a nonbinding declaration of intent, is for the President to undo with a stroke of the pen that which President Ford signed for the United States in 1975. In short, it would be a legal, nonbelligerent and cost-free way to make evident U.S. abhorrence of East bloc human rights performance.

Legal considerations of renunciation

There is no doubt that the Soviet Union and the countries of Eastern Europe have been guilty of gross violations of the Final Act. According to legal experts from the Department of State and the Library of Congress, the President can unilaterally renounce the Final Act. From an international legal point of view, it makes no difference whether the act of renunciation be directed toward all the signatories or merely toward one, although in terms of the

Final Act itself, renunciation toward an individual state would appear to be a violation itself ("[The participating States] declare their determination to respect and put into practice, each of [the principles] in its relations with *all* other participating States."). Furthermore, as a practical matter renunciation vis-a-vis an individual state would appear to be difficult or politically impossible because of the likely reaction of the other states and the emphasis on cohesion and indivisibility throughout the CSCE process. Finally, renunciation of the nonbinding Final Act would not leave the United States with residual commitments upon which we could lay subsequent claim.

World War II boundaries

Contrary to a widespread and continuing public belief, fostered by the Soviets and the Western press at the time of the Helsinki signing, the expert legal view of the effect of the Final Act on Europe's World War II boundaries is that, basically, the document makes no difference since it goes no further and, in some cases, not as far as previous international arrangements on frontiers. Moreover, rather than constitute a consolidation of Soviet territorial claims, the Final Act language is substantially less than what the Soviets sought at the outset of the negotiations. Consequently, the claim that the Soviets achieved legal ratification of World War II borders at Helsinki and that, by renouncing the Final Act, the United States could withdraw its ratification, is a specious argument.

Advantages of U.S. renunciation for the East

It is highly questionable whether U.S. renunciation of the Final Act would mean an end to the CSCE process. There were signs from the beginning of the process that the Soviets strongly preferred to have CSCE with the Americans looking on from the outside. It was only the insistence of the NATO countries which forced the Soviets to accept the United States as a participant. How the leadership in Moscow now views U.S. participation is open to question, but given previous Soviet opposition and sharp U.S. criticism of human rights abuses at the Belgrade and Madrid Review Conferences and the Ottawa Human Rights Experts Meeting, it seems reasonable to conclude that they might not be displeased to see the United States as the outsider and to see themselves as the dominant force in CSCE. The commensurate gains in seeing the United States removed from an important European forum and separated from its allies might be a very acceptable counter-balance.

Effect on other CSCE participants

U.S. renunciation of the Final Act would most likely produce a strong negative effect among other participants. Since most West European nations hope for some concrete long-term results from CSCE and see the U.S. emphasis on human rights as a possible impediment to progress in other areas, it is doubtful whether even its closest NATO allies could be persuaded to go along with the United States. A more probable result would be that allies and others would interpret withdrawal as a sign of decreased U.S. interest and influence in Europe. For many, there is the belief that there is a

better chance of altering Soviet behavior through CSCE than without it. They could well conclude that the United States does not care to be a part of the first all-European effort to reduce tension and that the United States prefers to retreat from a tough problem rather than fight for what it believes.

The dissidents

Dissidents initially reacted negatively to the Helsinki Final Act. They felt it legitimized Soviet annexation of the Baltic states and other territories after World War II. Soon, however, dissidents had discovered that the Helsinki accords made human rights a legitimate item on the international diplomatic agenda. Acting on that discovery, citizen Helsinki monitoring groups were established in various parts of the U.S.S.R.; the movement also spread into Czechoslovakia and later to Poland.

As the Soviet human rights situation worsened in the early 1980's, some emigre dissidents, including some who were Helsinki monitors, have again rejected the Helsinki accords. Generally, they reject the Final Act because the Helsinki process has not resulted in prisoner releases—especially of those imprisoned in the U.S.S.R. for their Helsinki monitoring. They believe that the threat of renouncing Helsinki can cause the release of those monitors who are currently serving sentences for their activities. They conclude that the continuation of the Helsinki process in its present form legitimizes oppressive systems and can have only negative effects.

This argument arose solely among Soviet emigrants. Soviet and East European Helsinki-watchers and other dissidents have declared repeatedly that Western pressure on their governments provides their staunchest support. U.S. withdrawal from CSCE would presumably have a devastating effect on these individuals and others who might be inclined to follow them. How could they not help but think, buttressed by Soviet propaganda, that the United States had abandoned them?

Basis for complaint

Since there is little chance that the other Western participants would allow the United States to renounce its CSCE commitments vis-a-vis the Soviet Union alone, the only way open is renunciation toward all participants. Either way the United States would lose its right to review and criticize Soviet and East European shortcomings in violation of the Helsinki Final Act. As Belgrade and Madrid have shown, without a strong U.S. voice in the lead, there is little inclination among other CSCE signatories to hold the Soviets to account on such politically sensitive subjects as human rights. The net result of a U.S. withdrawal could be silence.

CONCLUSION

Looking ahead

On November 4, 1986, in Vienna, the 35 CSCE signatories commenced the third review meeting of the Conference on Security and Cooperation in Europe (CSCE). Like the two previous meetings, Belgrade (1977-78) and Madrid (1980-83), Vienna will have a three-fold function: a review of the implementation records of the partici-

pating States, the consideration of new proposals to enhance the provisions of and promote compliance with the Final Act (and the Madrid Concluding Document), and the possible adoption of a concluding document. The meeting will examine all aspects of CSCE—humanitarian (human rights and human contacts), security, economic and other forms of cooperation—and will examine the outcome of the six post-Madrid subsidiary meetings on specific areas.

As the United States begins the Vienna Review Meeting of the CSCE, it knows from the past 11 years of tough negotiations that the West faces an uphill fight in its continuing effort to preserve and promote the human dimension of CSCE.

From the beginning, the United States has struggled to preserve balance in CSCE among all its aspects, but particularly between its security and humanitarian aspects. The United States has worked to counter Eastern efforts to turn the process into a one-dimensional security platform for Soviet peace propaganda. The challenge in Vienna to maintain real balance between the security and humanitarian aspects of CSCE will be especially difficult to achieve in light of General Secretary Gorbachev's recent initiative on conventional arms control, which he suggested might be folded into CSCE via the Stockholm CDE and the recently adopted Stockholm Agreement.

The Helsinki process was painstakingly started in Geneva. It has developed slowly and has suffered many setbacks. But, despite its imperfections, the Helsinki process is an important instrument of diplomacy for the United States and for the other Western democracies. In East-West relations, the Helsinki process has become a vehicle by which concerns in humanitarian, military, political, economic, social, cultural and other fields routinely are raised and discussed. Helsinki's European focus ensures that debate remains centered on an area where Western ideas fall on fertile soil. The future of the process will remain dependent on persistent efforts to bring its promises to fruition.

CHAPTER THREE—SECURITY IN EUROPE

INTRODUCTION

The first section or "basket" of the Helsinki Final Act has two main parts. The first part is a declaration of 10 principles guiding relations among states. It sets forth generally accepted precepts of international behavior which the CSCE participating States agree to observe in relations with one another as well as with other states. The second part of Basket I is devoted to security issues. Here the participating States endorse certain confidence- and security-building measures (CSBMs) that are designed to remove some of the secrecy surrounding military activities; they also make certain more general pledges with respect to the importance of arms control and disarmament.

DECLARATION OF PRINCIPLES GUIDING RELATIONS AMONG STATES

The following 10 principles are contained in the declaration of principles guiding relations among states in the Helsinki Final Act:

Principle I.—Sovereign equality, respect for the rights inherent in sovereignty;

Principle II.—Refraining from the threat or use of force;

Principle III.—Inviolability of frontiers;

Principle IV.—Territorial integrity of states;

Principle V.—Peaceful settlement of disputes;

Principle VI.—Nonintervention in internal affairs;

Principle VII.—Respect for human rights and fundamental freedoms, including freedom of thought, conscience, religion, or belief;

Principle VIII.—Equal rights and self-determination of peoples;

Principle IX.—Cooperation among states; and

Principle X.—Fulfillment in good faith of obligations under international law.

SOVIET OCCUPATION OF AFGHANISTAN

In direct violation of at least half of the principles of the Final Act, approximately 120,000 Soviet troops remain in Afghanistan, nearly 7 years after the initial invasion in December 1979. The Soviet occupation and subjugation of Afghanistan violates the letter and spirit of the Final Act, the U.N. Charter, and other international accords. Considerable attention was focused on the Soviet occupation during the Madrid Meeting by the United States, the Western allies, and the neutral and nonaligned countries. In addition, continued Soviet involvement in Afghanistan has been the subject of extensive debate at the United Nations and other

international fora. Nevertheless, the Soviet Union has refused to undertake a meaningful withdrawal of its troops.

In the introductory language of Basket I, the participating States recognized "the close link between peace and security in Europe and in the world as a whole." Accordingly, events in Afghanistan cannot be isolated from events in Europe. The principles guiding relations among states are applicable to the situation in Afghanistan. The continued Soviet occupation of, and military activity in Afghanistan violates at least five principles of the declaration: Principle I which calls upon the participating States to respect the right of every state to "juridical equality, to territorial integrity and to freedom and independence"; Principle II which calls upon the participating States "to refrain from the threat or use of force against the territorial integrity or political independence of any state"; Principle VIII which calls on the participating States to "respect the equal rights of peoples and their right to self-determination"; Principle IX which stipulates that the signatories "develop their cooperation with one another and with all states in accordance with the purpose and principles of the Charter of the United Nations"; and Principle X which declares that signatories will "fulfill in good faith their obligations under international law."

Using terms of the Soviet-Afghan treaty of 1978 as the basis for its invasion, more than 100,000 Soviet troops crossed into Afghanistan during December 1979. Despite nearly 7 years of occupation, the Soviets and their Marxist clients in Kabul have failed to maintain control beyond the capital, which is protected by 60,000 Soviet and Afghan security personnel. Both Herat and Kandahar, the second and third most important cities in the country, are substantially under the control of the mujahedeen. It is estimated that two-thirds of the Afghan population and even a greater proportion of its territory are beyond the regime's control. The Soviet-sponsored regime has made few political or military gains since the invasion. This led to the ouster of Afghan leader Babrak Karmal in May 1986. The continued Soviet occupation has involved considerable costs to the U.S.S.R. Soviet casualties since 1979 have climbed to over 30,000, including more than 10,000 killed. The Soviets and Afghans together have lost nearly 800 aircraft during the same period. The occupation also has presented the Soviets with serious domestic policy problems. Draft evasion appears to be on the rise. Nevertheless, the Soviets appear to be settling in for a long-term stay in Afghanistan.

Meanwhile, the mujahedeen, with growing international assistance, has increased its firepower and reduced operational and political disputes between its various components. Amid growing resistance, the Soviets have increasingly relied upon violence and terrorism, including the use of chemical weapons, against the Afghan people. This, in turn, has resulted in a massive exodus of Afghans to neighboring countries. An estimated 2.5 million have fled to Pakistan, while 1.5 million have crossed into Iran. An additional 1 million internal refugees remain inside Afghanistan.

Seven rounds of indirect talks have taken place in Geneva, between Pakistan and the Soviet-backed Afghans since 1982, under the auspices of the United Nations. The Soviets have resisted all attempts to negotiate a peaceful resolution of the situation in Af-

ghanistan. During a trip to Vladivostok in June 1986, General Secretary Gorbachev announced plans to withdraw six Soviet regiments from Afghanistan. In addition, Gorbachev indicated that as soon as a political settlement is worked out, all Soviet troops would be withdrawn. While the Soviets have withdrawn 8,000 troops from Afghanistan, the reduction is militarily insignificant in light of its 120,000 troops which remain in Afghanistan and the 40,000 Soviet troops poised along the Soviet-Afghan border. Despite these statements and limited actions, the Soviets continue to pursue the military option in Afghanistan in clear violation of the Final Act.

THE DOWNING OF THE KOREAN AIRLINER

A Korean Air Lines (KAL) commercial jet was shot down August 31, 1983, after it crossed into Soviet airspace while enroute to Seoul from New York. All 269 people aboard, including 61 Americans, were killed. While certain aspects of the incident remain unclear, the Soviet response is well documented. According to Secretary of State Shultz, the KAL jet strayed into Soviet airspace north of the Japanese island of Hokkaido and was tracked by Soviet radar for 2½ hours before it was shot down. Shultz noted that eight Soviet aircraft were involved in tracking the jet during that period. Intercepted radio contact indicated that the Soviet pilot was in visual contact with the KAL airliner for 14 minutes before firing an air-to-air missile which sent the jet plunging into the sea, near Sakhalin Island. The Soviet Government would neither confirm nor deny that it had shot down the passenger jet. On September 6, 1983, nearly 1 week after the incident occurred, the Soviets acknowledged that the airliner had been downed by one of its aircraft. Asserting that Soviet frontiers were "sacred," Soviet Foreign Minister Gromyko argued that the jet had been on a spy mission for the United States, and that blame should rest with the U.S. Secretary Shultz, attending the closing ceremonies of the Madrid Follow-up Meeting, denounced the Soviet Union's "totally unacceptable" version of the incident.

The Soviet attack on the KAL aircraft violated the Convention on International Aviation, an agreement to which the Soviet Union has adhered since 1970. The Convention, accepted by nearly 100 nations, sets forth general principles of law in the international aviation field. Article 25 of the Convention obliges states to provide assistance to aircraft in distress over their territory. In addition, standard international practice is to either require the aircraft to land or escort it to international airspace. Thus the downing of the passenger jetliner violated Principle X of the Final Act concerning fulfillment of obligations under international law.

Following the downing of KAL 007, representatives of the United States, the Soviet Union, and Japan conducted a series of negotiations to improve the safety of civil aviation in the North Pacific. A memorandum of understanding was signed on July 29, 1985 and entered into force on October 8, 1985.

DIRECT COMMUNICATIONS LINK

On July 17, 1984, an agreement was signed by the United States and the Soviet Union to expand and improve the operation of the

U.S.-Soviet Direct Communications Link, commonly known as the "hotline." First authorized under terms of a Memorandum of Understanding agreed to in June 1963, the hotline was designed to provide a means of direct communication between the leaders of the two nations in times of emergency. The system was upgraded during the 1970's to include two satellite circuits. In addition, the two countries agreed, under provisions of the Agreement on Measures to Reduce the Risk of the Outbreak of Nuclear War, to notify the other in advance of any planned missile launch extending beyond its national territory in the direction of the other.

During May 1983, President Reagan proposed further improvements to the hotline including: the addition of a high-speed facsimile capability and the establishment of high-speed data links between each government and its embassy in the other's capital. Also included in the proposal was the establishment of a Joint Military Communications Link. Negotiations on these measures began in August 1983. Under terms of the 1984 agreement, a facsimile capability will be added to the hotline which will allow for the transmission of graphic materials. Other enhancements will increase the speed of communications. The initiatives expanding the communications link between the United States and the Soviet Union represent a positive step in accordance with Principle IX of the Final Act regarding cooperation among states.

MURDER OF MAJOR ARTHUR D. NICHOLSON, JR.

On March 25, 1985, Major Arthur D. Nicholson, Jr., an unarmed member of the military liaison mission (MLM), was shot to death by a Soviet sentry while on assignment in East Germany. Nicholson was operating under terms of the Huebner-Malinin Agreement of 1947 which governs activities of the MLM. No verbal warning was given by the Soviet sentry. In addition, members of the Soviet military contingent prevented Major Nicholson's driver from administering first aid to Nicholson, leaving him to bleed to death. The murder of Major Nicholson is a clear demonstration of the unacceptable use of force and violence by the Soviets. Even if Nicholson had been engaged in unauthorized activities as the Soviet maintained, a charge which the U.S. rejected, the Soviet response far exceeded any infraction which might have occurred.

The killing violated terms of the Huebner-Malinin Agreement and Principle X of the Final Act concerning fulfillment in good faith of obligations under international law.

THE CHERNOBYL NUCLEAR DISASTER

Principle IX calls upon the participating States to promote mutual understanding and good-neighborly relations, as well as to increase mutual knowledge and progress in the economic, scientific, technological, social, cultural, and humanitarian fields. The principle of cooperation was dealt a severe blow as the result of Soviet behavior in the aftermath of the nuclear disaster at Chernobyl. On April 26, 1986, an explosion at a Soviet nuclear power plant near Chernobyl, Ukraine, resulted in the world's worst nuclear disaster. The failure of the Soviet Government to notify immediately neighboring states and the population in the affected area has

raised many serious questions regarding Soviet willingness to cooperate with other states, particularly during a disaster. Only after being confronted with evidence from neighboring states did the Soviet Union even acknowledge that an accident had occurred. The release of large amounts of radioactive iodine, cesium, and other harmful substances into the atmosphere posed a serious threat to the health of millions. Despite the scope of the disaster, the Soviets initially rejected offers of assistance from a host of countries, including the United States. Subsequently, an American medical expert in the field bone marrow transplants was permitted to treat selected victims of the disaster.

Antiterrorism provisions

Final Act and Madrid Concluding Document.—Principle VI, "Non-Intervention in internal affairs," in the Helsinki Final Act contains a brief reference to the problem of terrorism: "(The participating States) will . . . refrain from direct or indirect assistance to terrorist activities."

In the Madrid Concluding Document, however, there is a much expanded section on terrorism:

The participating States condemn terrorism . . . as endangering or taking innocent human lives or . . . jeopardizing human rights . . . They express their determination to take effective measures for the prevention and suppression of acts of terrorism, both at the national level and through international cooperation including appropriate bilateral and multilateral agreements, and accordingly to broaden and reinforce mutual cooperation to combat such acts. They agree to do so in conformity with the Charter of the United Nations, the United Nations Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States and the Helsinki Final Act.

(The participating States) . . . will take all appropriate measures in preventing their respective territories from being used for the preparation, organization, or commission of terrorist activities . . . This also includes measures to prohibit on their territories illegal activities of persons, groups and organizations that instigate, organize, or engage in the perpetration of acts of terrorism.

The participating States confirm that they will refrain from direct or indirect assistance to terrorist activities or to subversive or other activities directed toward the violent overthrow of the regime of another participating State. Accordingly, they will refrain, *inter alia*, from financing, encouraging, fomenting, or tolerating any such activities.

The Helsinki Final Act merely contains a brief injunction that participating States not assist terrorism in any way. The Madrid Concluding Document, however, goes much further. It encourages Helsinki signatories to take "effective measures" against terrorism. It encourages recourse to national and international agreements, at bilateral and multilateral levels, to combat terrorism.

Participating States are urged to undertake new diplomatic initiatives to combat terrorism. They also pledge that their own territories will not be used in any way for the "preparation, organiza-

tion or commission" of terrorist acts. Diplomats, who are particular terrorist targets, are singled out as needing special protection by the participating States.

The issue of terrorism has been raised in various forms at some of the post-Madrid CSCE Experts Meetings. At the Ottawa Human Rights Experts Meeting, the delegations of Spain, the United States, and Turkey, introduced on June 4, 1985 a proposal which briefly reiterated some of the antiterrorism pledges in the Madrid Concluding Document. At the Bern Human Contacts Experts Meeting, Ambassador Novak, head of the U.S. delegation, responded on April 17, 1986 to criticism of the U.S. bombing of Libyan terrorist sites.

After acknowledging that terrorism was not in the mandate for the Bern Meeting, Novak said, "Civilization is the rule of law substituted for the rule of terrorism." He referred to recent tragic acts of terrorism at a West Berlin discotheque and on a TWA airplane from Athens. In conclusion, Novak asserted, "In the coming renaissance of Europe of which I speak today, Europe will also break the grip of terrorism. . . . The citizens of Europe and of the United States now bear the burden of this struggle, not because we chose to, but because it was thrust upon us."

The document of the Stockholm CDE Meeting, adopted on September 19, 1986, contains an extensive reference to the antiterrorism provisions of the Madrid Concluding Document.

A State Department outline, "Patterns of Global Terrorism," edited to show only participating States, is appended to this report. According to this report, the four participating States in which major acts of terrorism have been most frequent are: France (12), West Germany (11), Spain (10) and Greece (9). The report shows four groups to have committed the greatest number of major terrorist acts on the territories of the participating States: the radical Palestinian group, Abu Nidal (7), the Irish Republican Army (5); the French leftist Action Directe (5) and the radical Palestinian Black September group (5).

The expanded antiterrorism provisions in the Madrid Concluding Document reflect increased concern with this problem among CSCE signatories. Faced with major new acts of terrorism in 1986, French authorities were forced to adopt a visa requirement for all foreigners entering their territory. Despite stepped-up antiterrorism measures by signatory States, terrorism seems to have become a tragic and chronic fact of contemporary life.

MILITARY SECURITY

The Helsinki Final Act

"Recognizing the need to contribute to reducing the dangers of armed conflict and of misunderstanding or miscalculation of military activities which could give rise to apprehension, particularly in a situation where the participating States lack clear and timely information about the nature of such activities," the 35 signatories adopted the following CSBMs:

Notification of Military Maneuvers.—The 35 States agreed to provide prior notification (21 days) of major military maneuvers involving 25,000 or more troops, including amphibious and airborne

troops, taking place "on the territory, in Europe, of any participating State as well as, if applicable, in the adjoining sea area and air space." They also agreed to provide voluntary notification of military maneuvers below the 25,000 troop threshold.

Exchange of Observers.—The States further agreed to voluntarily invite observers from other participating States to attend military maneuvers.

Other Confidence-Building Measures.—In addition, the participating States were encouraged to promote other exchanges between military personnel.

Implementation of CSBMs

Prior Notification of Major Military Maneuvers.—Compliance with the Final Act requirement of prior notification of major military maneuvers, those involving 25,000 or more troops, generally improved over the previous reporting period. All major military maneuvers sponsored by NATO, NNA, and Warsaw Pact states were notified. This is particularly significant in light of the serious violations of the security provisions of the Final Act which occurred during the prior reporting period.

While breaches as described in the last report did not occur during the current reporting period, problems persisted with regard to notifications made by Warsaw Pact states. They continued to provide a minimal amount of information, often failing to include specific location of maneuvers, types of forces participating, dates of maneuvers, and composition of forces.

MAJOR MILITARY MANEUVERS NOTIFIED FROM 1982-OCTOBER 1986

NATO

1982

Carbine Fortress, sponsored by the U.S., Canada and the F.R.G., and held between 12-23 September on territory of the F.R.G. It was a 73,000 troop maneuver involving participants from Belgium, Canada, Denmark, the F.R.G., Luxembourg, The Netherlands, the U.K. and the U.S. Observers were invited.

Starke Wehr, sponsored by the F.R.G. and held between 13-17 September on territory of the F.R.G. It was a 45,000 troop maneuver involving participants from the F.R.G., The Netherlands, and the U.S. Observers were invited.

Bold Guard 82, sponsored by NATO and held between 20-24 September on territory of the F.R.G. and Denmark. It was a 47,200 troop maneuver involving participants from Denmark, the F.R.G., The Netherlands, the U.K., and the U.S. Observers were invited.

1983

Wehrhafte Lowen, sponsored by the F.R.G. and held 19-23 of September in Kassel-Bad Hersfeld of the F.R.G. It was a 50,000 man exercise involving troops from the F.R.G., Belgium and the U.S. Observers were invited.

Atlantic Lion, sponsored by the F.R.G. and The Netherlands and held 20-29 September along the border of the two sponsoring states. It was a 41,000 troop maneuver, involving participants from

the F.R.G., The Netherlands, the U.S. and the U.K.. Observers were invited.

Confident Enterprise, sponsored by the F.R.G. and the U.S. and held 20-29 September in the Bad Hersfeld of the F.R.G. It was a 62,000 troop maneuver, involving participants from the F.R.G. and the U.S. Observers were invited.

Eternal Triangle, sponsored by the F.R.G. and the U.K. and held 27 October-2 November in the Celle-Wolfenbützel areas of the F.R.G. It was a 25,000 troop maneuver, involving participants from the F.R.G. and the U.K. Observers were not invited.

1984

Avalanche Express, sponsored by Norway and held 16-22 March in northern Norway. It was a 25,000 troop maneuver, involving participants from Canada, the F.R.G., Italy, Luxembourg, The Netherlands, Norway, the U.K., and the U.S. Observers were invited.

Lion Heart 84/Spear Point 84, a joint maneuver sponsored by the F.R.G. and the U.K., and held from 3-29 September on territory of the F.R.G. It was a 132,000 troop maneuver, including participants from the F.R.G., The Netherlands, the U.K., and the U.S. Observers were invited.

Flinker Igel, sponsored by the F.R.G. and held between 13-20 September on territory of the F.R.G. It was a 55,000 troop maneuver, including participants from Canada, the F.R.G., and the U.S. Observers were invited.

Certain Fury, sponsored by the F.R.G. and the U.S. and held between 17-28 September on territory of the F.R.G. It was a 50,000 troop maneuver, including participants from the F.R.G. and the U.S. Observers were invited.

1985

Central Guardian, sponsored by the F.R.G. and the U.S. and held 21-31 January on F.R.G. territory. It was a 72,000 troop maneuver with participants from the U.S., the F.R.G., Luxembourg, and France. Observers were invited.

Brave Defender, sponsored by the U.K. and held 2-13 September on U.K. territory. It was a 65,000 troop maneuver with participants from the U.K., The Netherlands, and the U.S. Observers were invited.

Defiant Saxon, sponsored by the F.R.G. and held 12-21 September on F.R.G. territory. It was a 60,000 troop maneuver with participants from the F.R.G., the U.K., The Netherlands, and the U.S. Observers were invited.

1986

Certain Sentinel, sponsored by the F.R.G. and the U.S. and held 20-30 January on F.R.G. territory. It was a 73,000 troop maneuver with participants from the F.R.G., the U.S., Canada, and France. Observers were invited.

Fraenkischer-Schild, sponsored by the F.R.G. and held between 15-26 September on F.R.G. territory. It was a 50,000 troop maneuver with participants from Belgium, France, the F.R.G., and the U.S. Observers were invited.

Warsaw Pact

1982

Friendship 82 (Druzhiba 82), sponsored by Czechoslovakia and held 25-30 January on Czechoslovakian territory. It was a 25,000 troop maneuver involving participants from Czechoslovakia, Hungary, and the U.S.S.R. Observers were not invited.

Shield 82 (Tarcza 82), sponsored by Bulgaria and held between 25 September-1 October on Bulgarian territory. It was a 60,000 troop maneuver involving participants from Warsaw Pact states. Observers were not invited.

1983

A major exercise sponsored by the U.S.S.R. and held 29 June-4 July in the Baltic and Belorussian military districts and the eastern Baltic Sea. It was a 50,000 troop maneuver of Soviet forces. Observers were not invited.

A major exercise sponsored by the U.S.S.R. and held 25-30 July in southeastern G.D.R. It was a 26,000 troop maneuver of Soviet forces. Observers were not invited.

1984

Zapad 84, sponsored by the U.S.S.R., the G.D.R., Poland, and Czechoslovakia and held 28 June-5 July in the G.D.R., Poland, Czechoslovakia, and the Baltic Sea. It was a 60,000 troop maneuver involving Soviet forces. Observers were not invited.

Shield 84 (Tarcza 84), sponsored by Czechoslovakia and held 4-14 September on Czechoslovak territory. It was a 60,000 troop maneuver of Warsaw Pact forces. Observers were not invited.

1985

A major maneuver sponsored by the U.S.S.R. and Czechoslovakia and held 25-31 May on Czechoslovak territory. It was a 25,000 troop maneuver involving Soviet and Czechoslovak forces. Observers were not invited.

Kavkaz 85, sponsored by the Soviet Union and held 15-21 July in the Caucasus region of the U.S.S.R. It was a 25,000 troop maneuver involving Soviet forces. Observers were invited from select states.

A major maneuver sponsored by the U.S.S.R. and the G.D.R. and held 6-14 July on G.D.R. territory. It was a 25,000 troop maneuver involving Soviet and East German forces. Observers were not invited.

1986

Zapad '86, sponsored by the U.S.S.R. and held 10-17 February in the Soviet Baltic Military District. It was a 50,000 troop maneuver involving Soviet forces. Observers were not invited.

Kavkaz '86, sponsored by the U.S.S.R. and held 17-21 February in the southern U.S.S.R. It was a 25,000 troop maneuver involving Soviet forces. Observers were not invited.

A major maneuver sponsored by the G.D.R. and held between 8-13 September on East German territory. It was a 25,000 troop maneuver involving participants from the U.S.S.R. and G.D.R. Observers were not invited.

Druzhiba-86, sponsored by Czechoslovakia and held between 8-12 September on Czechoslovakian territory. It was a 25,000 troop maneuver involving participants from Czechoslovakia, the U.S.S.R., and Hungary. Observers were invited.

Neutral and nonaligned maneuvers

1982

Panzer-Jagd, sponsored by Switzerland and held between 15-19 November on Swiss territory. It was a 30,000 troop maneuver involving Swiss forces. Observers were invited.

1983

No major maneuvers reported.

1984

No major maneuvers reported.

1985

Tornado, sponsored by Switzerland and held 7-17 October on Swiss territory. It was a 25,000 troop maneuver involving Swiss forces. Observers were not invited.

1986

Raumverteidigung-Herbstuebung-86, sponsored by Austria and held between 9-17 October on Austrian territory. It was a 30,000 troop maneuver involving Austrian forces. Observers were invited.

Prior Notification of Smaller Scale Maneuvers—Under provisions of the Final Act, participating States are encouraged, but not required to provide prior notification of smaller scale maneuvers, those involving 25,000 or less troops. NATO continued to provide voluntary prior notifications of all smaller scale maneuvers. Although the Soviet Union did make its first discretionary notification in connection with the Dnestr 83 exercise during the current reporting period, Eastern performance in this area remained poor.

Non-Notification of Smaller Scale Maneuvers 1982-October 1986.—Of the 10 smaller scale maneuvers conducted by the Warsaw Pact states during this period, Dnestr 83 was the only exercise notified. Several smaller scale maneuvers, including three French exercises, which took place during the current reporting period were not notified according to notification guidelines contained in the Final Act.

NATO

Langres 82, sponsored by France and held between 19-24 September on French territory. It was a 17,000 troop maneuver involving French forces. Notification was given 3 days prior to the start of the exercise. Observers were not invited.

Damocles, sponsored by France and held during September 1984. It was a 7,500 troop maneuver involving French forces. While France did provide notification of the maneuver, it failed to do so 21 days prior to the exercise as called for under the Final Act. Ob-

servers were invited from all NATO countries plus Hungary and Romania.

Jourdan, sponsored by France and held during June 1985. It was a 5,000 troop maneuver involving French forces. While France provided notification of the maneuver, it failed to do so 21 days prior to the exercise as called for under the Final Act. Observers were invited from all states having military attaches in Paris.

Warsaw Pact

Danube 83, sponsored by Hungary and held during January 1983. No details were provided regarding the number of troops participating in this small scale maneuver. Hungary did inform members of the Budapest Attache corps, although it failed to do so 21 days prior to the exercise as called for under the Final Act. Observers were not invited.

Kunsag 83, sponsored by Hungary and held between 6-16 June. It was a 14,000 troop maneuver involving Hungarian forces. Hungary did inform members of the Budapest Attache corps, although it failed to do so 21 days prior to the exercise as called for under the Final Act. Observers were not invited.

Druzba-84, held in Czechoslovakia during February 1984, participants included Czechoslovakia, Hungary, and the Soviet Union. No information was provided regarding the number of troops involved, the dates of the maneuver, or location. No notification was provided. Observers were not invited.

Soyuz-84, held in Bulgaria, Hungary, Romania, the southwestern region of the Soviet Union, and the Black Sea during March 1984. No information was provided regarding the number of troops involved in the exercise, the dates of the maneuver, or location. No notification was provided. Observers were not invited.

Danubex-84, held between 26 June-2 July, it was a 16,000 troop maneuver involving participants from the Soviet Union, Hungary, and Czechoslovakia. No notification was provided. Observers were not invited.

Danube 85, sponsored by Hungary and held between 28 June-4 July. It was a 23,000 troop maneuver involving participants from Hungary, Czechoslovakia, and the Soviet Union. No notification was provided. Observers were not invited.

Friendship 85, held in Poland during September 1985, the maneuver involved participants from Poland, East Germany, and the Soviet Union. No notification was provided. Observers were not invited.

Duna '86, held in Hungary. No information was provided regarding the number of troops involved in the exercise, the dates of the maneuver, composition of forces, or location. No notification was provided. Observers were not invited.

An unnamed field training exercise was held in East Germany during 1986. No information was provided regarding the number of troops involved in the exercise, the dates of the maneuver, composition of forces, and location. No notification was provided. Observers were not invited.

SMALLER SCALE MANEUVERS NOTIFIED FROM 1982-OCTOBER 1986

NATO

1982

Alloy Express, sponsored by NATO and held between 12-17 March on [and held] on Norwegian territory. It was a 14,200 troop maneuver involving participants from Canada, the F.R.G., Italy, Luxembourg, The Netherlands, Norway, the U.K., and the U.S. Observers were not invited.

1983

Cold Winter 83, sponsored by Norway and held between 11-17 March. It was a 10,000 troop maneuver involving participants from Canada, The Netherlands, Norway, the U.K. and the U.S. Observers were not invited.

Viking 83, sponsored by Norway and held between 11-17 March. It was a 10,000 troop maneuver involving participants from Norway and the U.K. Observers were not invited.

Moselle 83, sponsored by France and held 16-24 September in northeastern France. It was a 22,000 troop maneuver with participants from France. Observers were invited.

Ample Express 83, sponsored by Denmark and held 20-24 September in Zealand Islands. It was a 10,000 troop maneuver with participants from the U.K., the F.R.G., Luxembourg, Italy, The Netherlands, and the U.S. Observers were not invited.

Eternal Triangle, sponsored by the F.R.G. and U.K. and held between 24 October-5 November. It was a 21,000 troop maneuver involving participants from Denmark, the F.R.G., and the U.K. Observers were not invited.

1984

Doubs 84, sponsored by France and held between 8-14 September on French territory. It was a 20,000 troop maneuver involving French forces. Observers were invited.

Bold Gannet 84, sponsored by Denmark and held between 15-20 September on the Zealand Islands. It was a 21,000 troop maneuver, involving participants from Denmark, the F.R.G., The Netherlands, and the U.K. Observers were not invited.

1985

Cold Winter '85, sponsored by Norway and held 15-21 March on Norwegian territory. It was a 10,000 troop maneuver, with participants from Norway, Canada, The Netherlands, the U.S., and the U.K. Observers were not invited.

1986

Anchor Express, sponsored by Norway and held 6-12 March in northern Norway. It was a 20,000 troop maneuver with participants from Norway, Canada, the F.R.G., Italy, Luxembourg, The Netherlands, the U.K., and the U.S. Observers were invited.

Blue Fox, sponsored by Norway and held between 9-15 September on Norwegian territory. It was a 23,000 troop maneuver involving Norwegian forces. Observers were invited.

*Warsaw Pact**1982*

No smaller scale maneuvers reported.

1983

Dnestr 83, sponsored by the U.S.S.R. and held 5-10 September in the Odessa area. It was a 23,000 troop maneuver involving Soviet forces. Observers were invited from select states.

1984

No smaller scale maneuvers reported.

1985

No smaller scale maneuvers reported.

1986

No smaller scale maneuvers reported.

*[VI] Neutral and nonaligned**1982*

Sydfront, sponsored by Sweden and held between 23-29 September on Swedish territory. It was a 23,000 troop maneuver involving Swedish forces. Observers were not invited.

Area Defense Exercise 1982, sponsored by Austria and held between 15-22 October on Austrian territory. It was a 14,000 troop maneuver involving Austrian forces. Observers were not invited.

1983

Unity 83, sponsored by Yugoslavia and held 13-15 September in Macedonia. It was a 22,000 troop maneuver involving Yugoslav forces. Observers were invited.

Ostkust, sponsored by Sweden and held 25 September-6 October on Swedish territory. It was a 20,000 troop maneuver of Swedish forces. Observers were invited.

1984

Vastgrans, sponsored by Sweden and held 18 February to 5 March. It was a 22,000 troop maneuver involving Swedish forces. Observers were invited.

1985

No smaller scale maneuvers reported.

1986

No smaller scale maneuvers reported.

Exchange of Observers.—While the Final Act does not require that observers be invited to maneuvers for which notification is made, participating States are encouraged to extend such invitations. NATO and NNA countries continued to invite observers to all major military maneuvers.

Exchange of Military Visitors.—"The participating States are encouraged, with due regard to reciprocity and with a view to better understanding, to promote exchanges by invitation among their military personnel, including visits by military delegations." While such exchanges are common between members of NATO, and members of the Warsaw Pact, few East-West exchanges take place. During the current reporting period only two such visits occurred. Two U.S. Naval vessels, the U.S. *Valdez* and the U.S. *Yarnel* visited Romania June 9 to 13, 1982.

Source: NATO, Tables of Notifications of Military Maneuvers Made Under Provisions of CSCE Final Act During the Period 1975-1985, ISD/373 (Revised), June 9, 1986.

ARMS CONTROL AND DISARMAMENT

With the largest concentration of armed forces in the world stationed in Europe, the issue of European security remains of paramount concern. While the Final Act does not contain specific provisions regarding arms control per se, "(T)he participating States recognize the interest of all of them in efforts aimed at lessening military confrontation and promoting disarmament which are designed to complement political detente in Europe and strengthen their security. They are convinced of the necessity to take effective measures in these fields which by their scope and by their nature constitute steps towards the ultimate achievement of general and complete disarmament."

Pursuant to these objectives, the United States and the Soviet Union participated in a series of bilateral arms control negotiations. On January 8, 1985, the two superpowers announced agreement to begin negotiations relating to space and nuclear arms, designed to bring about a reduction of nuclear arms and a strengthening of strategic stability. In addition, the U.S. and U.S.S.R. were involved in a variety of discussions dealing with strategic nuclear, intermediate-range nuclear, and antisatellite weapons during the current reporting period. Highlights of these negotiations are presented below.

Strategic arms reduction talks (START)

The United States and the Soviet Union began the strategic arms reduction talks in 1982. The primary objective of the United States throughout the negotiations was to achieve a stable balance at significantly reduced levels of nuclear forces. The U.S. has been most concerned about reducing the levels of destabilizing ballistic missile systems, particularly MIRVed land-based ICBMs, and demonstrated its willingness to negotiate limits on other systems as well. Accordingly, the U.S. proposed a build down concept which provided a mutual, guaranteed reduction in nuclear systems, including ballistic missile warheads and heavy bombers. The negotiations stalled over differences regarding the definition of "strategic." The U.S. proposal for strategic arms reductions applied only to intercontinental systems—ICBMs, SLBMs, and heavy bombers. The Soviet proposal included nuclear arms capable of reaching each other's territory; which included Pershing II, cruise missiles, carrier-based aircraft and aircraft based in Europe and Asia. Under the Soviet definition, SS-20s would have been excluded. On Decem-

ber 8, 1983, the Soviet delegation declined to set a date for the resumption of negotiations. The Soviet action was linked to the U.S. deployment of Pershing II and cruise missiles as part of a NATO modernization program.

Intermediate-range nuclear force (INF)

The United States and Soviet Union began talks on intermediate-range nuclear forces in 1981. The U.S. initiative was consistent with NATO's decision to pursue a dual-track policy of force modernization and negotiated arms reductions. Following close consultations with other members of NATO, the U.S. tabled two draft treaty texts. One, the Zero-Zero treaty proposed a worldwide ban on all U.S. and Soviet longer-range intermediate-range nuclear forces (LRINF) missile systems. Adoption of the Zero-Zero treaty would have required the elimination of all Soviet SS-4, SS-5, and SS-20 missiles as well as NATO Pershing missiles and ground-launched cruise missiles. Following Soviet refusal to consider this proposal, the U.S. tabled an Interim Proposal treaty, which called for global ceilings of warheads deployed on U.S. and Soviet LRINF missiles. In the absence of progress at the negotiating table in Geneva, the U.S. proceeded with the deployment of Pershing II and cruise missiles pursuant to a 1979 NATO decision. In November 1983, the Soviets walked out of the INF talks.

Nuclear and space talks (NST)

In March 1985, the United States and the Soviet Union resumed arms control talks within a new framework. The nuclear and space talks (NST) combined elements of START, INF, and space weaponry.

In addition to these bilateral arms control negotiations, the United States participated in the following multilateral negotiations.

Mutual balanced force reductions (MBFR)

Representatives of several member states, NATO and the Warsaw Pact have held a series of meetings over the past 13 years designed to reach a verifiable agreement which would reduce and limit conventional forces in central Europe. The purpose of the negotiations is the creation of a more stable balance of forces at an equal and significantly lower level in central Europe, the area of greatest concentration of armed forces in the world. In February 1985 the Warsaw Pact proposed a time-limited, first-stage agreement calling for initial reductions of U.S. and Soviet ground forces—without prior agreement on the actual numerical level of those forces—followed by a freeze on all forces of the two alliances remaining in the area. On December 5, 1985, NATO agreed to this framework. No progress has been made with respect to the Western verification proposals within the scope of MBFR negotiations despite Soviet statements pledging dependable verification, including on-site inspections.

Conference on disarmament

In December 1986, the NATO Alliance agreed to expanded conventional arms talks between the Alliance and the Warsaw Pact to

embrace "The Whole of Europe," according to the Alliance declaration, the negotiations "Build and Expand" the results of the Stockholm CDE. The Warsaw Pact had called for such expanded talks in May 1985.

Key objectives of the 40-nation Conference on Disarmament (CD) have been adoption of a comprehensive test ban (CTB) and a comprehensive ban on chemical weapons. Additional attention was focused on the Conference following the suspension of test ban negotiations among the United States, the United Kingdom, and the Soviet Union. The United States proposed a draft treaty, at the CD, calling for a total ban on chemical weapons. In light of Soviet violations of the Geneva Protocol of 1925 and the Biological and Toxin Weapons Convention of 1972, the United States has insisted on effective verification of any ban on chemical weapons. Maintaining that the U.S. proposal is intrusive, the Soviets have rejected the initiative, insisting that verification should be accomplished through national technical means and self-inspection. Despite general agreement on the importance of a ban on chemical weapons at the U.S.-Soviet summit in 1985, little progress has been made toward a comprehensive ban on chemical weapons at the CD.

ATHENS CONFERENCE ON PEACEFUL SETTLEMENT OF DISPUTES

The 35 CSCE participating States met in Athens March 21-April 30, 1984 in an attempt to develop a framework for the peaceful settlement of international disputes in accordance with Principle V of the Final Act. The meeting was mandated by the Madrid Review Conference. A similar meeting on this subject was held in Montreux, Switzerland in 1978.

The Western position at Athens was based on a commitment to a graduated system of disputes settlement: when bilateral discussions proved unproductive, either party in a dispute would have recourse to third-party mechanisms such as good offices, inquiry, mediation, conciliation, and arbitration. The East, meanwhile, maintained a position that disputes should be settled by direct negotiations or consultations. The NNA argued that small countries forced into negotiations with the Soviet Union could be manipulated. They insisted upon a system which would include a conciliation commission to which such disputes could be brought. During the course of the meeting the United States proposed a detailed document providing for several levels of third-party conciliation and mediation.

A brief report was approved at the conclusion of the 6-week meeting noting that discussions were held on the peaceful settlement of disputes and that there was particular emphasis on how to include a third-party element.

CHAPTER FOUR—HUMAN RIGHTS

BULGARIA

INTRODUCTION

There has been no significant progress in Bulgaria's compliance with the human rights and humanitarian provisions of the Helsinki Final Act since the Commission's previous implementation report. There is virtually no known organized dissident activity and there continue to be few publicized or documented arrests or trials of individuals for human rights activity. Organized religion continues to be closely monitored and circumscribed. The Bulgarian Government's previously poor treatment of minorities has deteriorated even further with its brutal campaign to forcibly assimilate members of Bulgaria's Turkish minority.

While the Bulgarian Government claims to be a "dictatorship of the proletariat" according to the tenets of Marxist-Leninism, it is in fact a dictatorship controlled by the leaders of the elitist Communist Party, which comprises less than 10 percent of the population. The Communist Party leadership maintains almost total control of Bulgaria's political, social, economic and cultural life. The Bulgarian Constitution provides for certain basic rights, including free speech and press, association and demonstration, and freedom of worship. In practice, these freedoms are either severely curtailed or nearly nonexistent. The Government interferes in the private lives of its citizens through its system of surveillance, telephone monitoring and mail censorship.

Internal opposition is suppressed quickly and harshly. Except for widespread resistance by the Turkish minority to the Government's assimilation campaign, there is little known opposition. Bulgaria does not release figures on the number of political prisoners and detainees. According to the State Department's 1985 Human Rights Country Report, however, "Several thousand such persons is a reasonable estimate for 1985, including those caught while trying to escape across the country's borders, as well as Turkish-Bulgarians rounded up in the early months of the year." Brutal treatment by camp guards or other inmates continue to be a feature of prison life in Bulgaria, although conditions among camps vary.

Although the Bulgarian Constitution provides for freedom of association, in practice, the Government decides which organizations can exist. While human rights monitoring groups are virtually unknown in Bulgaria, a small group of up to 17 persons operated near the city of Mikhailovgrad in 1983-84. The group operated clandestinely and after the arrests of some of its members, ceased its activity. One of the group's leaders, Yanko Yankov, was sentenced in 1985 to a 5-year term in the Pazardzhik prison for "defamation of the state." Another Bulgarian dissident, Valodya Nakov, was sen-

tenced to 4 years imprisonment in September 1984 for having contacts with Western Embassies. Nicolas Chamurlisky, sentenced 1 month after the signing of the Final Act following requests to visit his brother in the United States, continues to be imprisoned in Stara Zagora Prison. Several hundred political prisoners are believed to be held in Stara Zagora. Pentecostalist Kostadin Kalmukov, sentenced in 1984 to a 5-year term for his religious beliefs, was beaten unconscious by guards at Stara Zagora on December 25, 1984, "for objecting to the fact that Christmas Day was being treated by the prison authorities as an ordinary working day."¹

RELIGIOUS RIGHTS

Bulgaria officially espouses atheism and discourages religion. Religious activity is closely monitored and discouraged even though article 53 of the Bulgarian Constitution provides for freedom of religion. The Government maintains careful and strict control over organized religion, reviewing clerical appointments and closely monitoring the importation and distribution of religious literature. Religious practice is discouraged, particularly among party and Government officials, and active believers have been subjected to discrimination. Religious education of children and open proselytizing are prohibited. According to Keston College, "recent travelers to Bulgaria suggest that pressure on believers in various parts of the country is, in fact, being maintained. House searches and confiscations have been conducted in Sofia, Stara Zagora and Kazanlak."² Although a Bulgarian language Bible was printed in 1982, only several thousand copies have been distributed domestically. This number is barely enough to meet the needs of Bulgaria's approximately 2,600 Orthodox churches alone.³

The Government "recognizes" only three religious groups: the Bulgarian Orthodox Church, Judaism and Islam, each of which receives government subsidies. The Orthodox Church, because of its long association with Bulgarian nationalism, enjoys the most privileges. In addition to the three recognized groups, several denominations are permitted to operate, which means they are allowed churches and congregations. They include Catholics (Latin rite and Uniate), Evangelicals, Baptists, Pentecostalists, Seventh-Day Adventists, Methodists, Congregationalists and Armenians. Some of these groups refuse to apply for subsidies from the state so as not to be dependent on it. In addition, there is a religious underground among Protestants which receives religious texts from outside Bulgaria.

Catholics and Protestants are regarded with suspicion by the authorities because of their foreign origins and contacts. Catholic clerics and active believers are subjected to harassment, including house searches and confiscation of religious material. The Catholic Church, which has about 70,000 members, experienced even greater difficulties after the arrest in Italy of Bulgarian airlines employee Sergei Antonov in November 1982. Antonov was arrested for complicity in the assassination attempt on Pope John Paul II. According to the State Department's 16th Semiannual Report covering

^{1 2 3} See footnotes on p. 232.

the period December 1, 1983 to March 31, 1984, the Catholic Church has had "the most severe problems with the Government, including disputes over the training and ordination of new priests, religious instruction for the young, baptism, and travel to Rome by church leaders." The church faces other problems: its candidate for a successor to the Bishop of Plovdiv has been rejected by the Government, and the See remains vacant; there is a shortage of seminaries; and Catholic youths are not permitted to gather in meetings prior to their 16th birthday.

Members of various Protestant denominations have been harassed and detained by Bulgarian authorities. The homes of active believers have been searched and religious material confiscated. Young churchgoers are sometimes dissuaded from attending services. During the fall of 1985, for instance, police appeared at several meetings in Sofia of unregistered Pentecostals, "... noting down the names of those present and dispersing the gatherings. Three pastors, Pavel Ignatov, Boris Ivanov and Toma Spassov were summoned to an interrogation. Subsequently, Ignatov and Ivanov were forbidden to leave Sofia for an indefinite period. Spassov was sent into internal exile for 3 years."⁴

Also in 1985, the oldest Protestant Congregationalist church in Bulgaria was compelled to accept a government-appointed pastor over two popular pastors—the Kulishev brothers. In May 1985, Hristo Kulishev was removed from the pulpit and sentenced to 8 months imprisonment for the "willful practice of the profession of titular pastor to the detriment of personal and public interests." His brother, Dimitar, was sentenced to 6 months on the same charge. Both were forbidden to practice as pastors. Government relations with other Protestant denominations remain tense.

Bulgaria's small and elderly Jewish community and the Armenian Church have had relatively conflict-free relations with the Government since the previous implementation report. Today, there are about 5,500 Jews in Bulgaria. Some 3,000 live in Sofia, and about 50 continue to worship publicly.

The most visible target of the Bulgarian Government's suppression of religion has been Islam. The authorities have combined their campaign against the Muslim religion with their attempt to eradicate Turkish ethnic identity.

TURKISH MINORITY IN BULGARIA

Since the previous implementation report, the Bulgarian Government has systematically violated the rights of its Turkish minority through a forcible assimilation of the Turkish minority of about 900,000 (10 percent of Bulgaria's population).

The Bulgarian Government has never been favorably disposed toward its Turkish minority and has engaged in persistent efforts to assimilate this and other minorities. In the 1970's, for example, the Government limited the teaching of Turkish. It abolished Turkish schools and forbade the teaching of classes in any language other than Bulgarian. It also closed several mosques. Although in the early 1980's there were instances of forcible attempts to assimilate

⁴ See footnote on p. 232.

late individuals, and even villages, the ethnic Turks were nevertheless recognized as a minority. As late as October 1984, Bulgaria made reference to a recognized Turkish minority in a note to the United Nations.⁵

In late 1984, however, the Bulgarian Government embarked on what appears to be a full-scale campaign to assimilate and deny the existence of its Turkish minority. From December 1984 through the winter of 1985, the Bulgarian Government compelled members of the entire Turkish-speaking minority to change their Turkish names to Bulgarian ones. This campaign was carried out by the army and members of paramilitary organizations, often at gunpoint. Towns and villages in Turkish-speaking regions, mostly in the southern and northeastern areas of the country, were surrounded by the army, often in the early morning. Officials then went from house to house with new identity cards bearing Bulgarian names. Essential services, including medical care, were denied to persons presenting documents with the old names. Despite Bulgarian Government claims that the name change was voluntary and spontaneous, there have been numerous reports that force was used, including torture and rape. Those who refused to accept the new names were threatened or arrested, and hundreds were reportedly killed by security forces. According to Amnesty International, over 250 ethnic Turks were arrested between December 1984 and March 1985. In early 1985, Rasim Rezhebov, Salim Salimov, Ismet Abdulov, Hasine Mustafaova and Ferdiye Salifova were tried and sentenced to prison terms ranging from 2 to 7½ years' in Kardzhali for attempting to organize a meeting of ethnic Turks in the area to protest against the name change campaign. Many others were arrested for refusing to accept or use the new identity cards. According to reports some were released only after accepting new Slavic names. Still others were forced to live and work in other parts of the country. There have also been reports of ethnic Turks killed by the security services—Amnesty International has received the names of over 100 members of the Turkish minority reported killed resisting the name changes. Reports from Turkey indicate that the numbers could reach 1,000.

Throughout the campaign, the Bulgarian state media asserted that no Turkish minority existed in Bulgaria. The media claimed instead, that there were only ethnic Bulgarians who spontaneously and voluntarily rediscovered their true Bulgarian identity, which had been suppressed during Ottoman rule. The Government contends that the ethnic Turks are descendants of "Slav Bulgarians" who had been forcibly converted to Islam during the period of Ottoman rule. In a March 1985 speech, Politburo member Stanko Todorov pronounced the name change campaign a success, claiming that "our blood-brothers and sisters have returned to the common family." He said that Bulgaria was now a "single-nationality state."

Since the name change campaign, the Bulgarian Government has been taking systematic measures to eradicate Turkish identity. For all practical purposes, numerous activities pertaining to Turk-

⁵ See footnote on p. 232.

ish ethnic identity and Islamic religious practices is forbidden. Turks who have not changed their names are not permitted to work in state enterprises. The use of the Turkish language in public is banned. "In many municipalities the use of Turkish in public places, including the streets, has been made an offense punishable by a fine. . . ."⁶ The only formerly bilingual Turkish-Bulgarian publication, *Nova Svetlina*, has been available only in Bulgarian since January 1985. Turkish language radio broadcasts have ceased. Receiving and reading of Turkish publications is punishable by fine, and radio and television programs from Turkey are jammed. Traditional Turkish clothes, most notably the traditional shalvari (wide pantaloons), have been prohibited in some areas in which there are large Turkish populations. Persons wearing the pantaloons are subject to a fine of up to 60 leva. The campaign has extended even to removal of road signs in Turkish, and "restaurants have removed their menus for 'Turkish' coffee."⁷ Finally, several reports suggest that Bulgaria may have begun implementing a program of forced resettlement of some ethnic Turks to non-Turkish areas of the country.

Travel into and out of ethnic Turkish areas is restricted. During the height of the campaign guards at roadblocks turned back foreigners in some villages. Only a few diplomats and journalists have been permitted to travel in these areas, although travel restrictions are gradually easing. Those few journalists and diplomats who are permitted to visit do so only under heavy surveillance.

The Government-controlled media have markedly stepped up their attacks on aspects of Islamic religious practice, presumably because ethnic Turks comprise the majority of Bulgaria's Moslem population (the remainder being Gypsies and Slavic Pomaks). The media have attacked the practice of circumcision, the teaching of the Koran to the young, the giving of alms on certain holidays, and fasting during the Moslem holy month of Ramadan. The Bulgarian paper *Nova Svetlina*, for instance, claimed that Ramadan fasting is a destructive superstition because it prevents those who fast from working properly. According to reports, Islamic religious practices have been banned outright. An unknown number of mosques have been closed, Moslem graveyards have been obliterated, the Koran is not published within Bulgaria and cannot be imported, and Bulgarian Muslims are forbidden to participate in the annual pilgrimage to Mecca.

The Bulgarian assimilation campaign is reminiscent of the country's previous campaign against the Macedonian minority and its efforts to create a homogeneous Bulgarian state. Throughout the 1960's and 70's, the Bulgarian Government conducted a gradual campaign to compel groups such as the Macedonians and the Pomaks to assimilate. (Pomaks are ethnic Slavs who converted to Islam during the period of Ottoman rule, but who maintained their Bulgarian language and culture.) Mention of these groups has gradually disappeared from the official records. The preliminary 1985 census makes no mention of nationalities other than Bulgarian.

^{6 7} See footnotes on p. 232.

CZECHOSLOVAKIA

INTRODUCTION

Czechoslovakia is home to a disaffected populace and an ever more defensive regime. The increasing rebelliousness of Czechoslovak youth, the spread of dissent beyond intellectual circles, and the burgeoning independent activity of church prelates and laity alike demonstrate that the gap between regime and society is growing wider rather than closing in post-1968 "normalized" Czechoslovakia.

Czechoslovakia also is home to a long-standing human rights monitoring movement which is unique in the region for withstanding the state's attempts to interrupt its work, and for its continuing growth in membership and the scope of its endeavors. Czechoslovak human rights monitors painstakingly document and publicize their Government's violations of its own laws as well as the commitments it has undertaken in international fora.

The Czechoslovak regime continues to exile, imprison and harass in numerous ways those Czechoslovak citizens who register their criticism of the regime, whether in public proclamations or private correspondence. It seeks to stem all independent development of Czechoslovak culture beyond the bounds set by the state. And it sharply restricts its citizens' contacts with the outside world.

Czechoslovak citizens who express independent opinions on any subject which the regime considers its domain are charged with subversion, incitement, defamation of the Republic, or damaging the interests of the Republic abroad. Citizens who seek contact with foreign diplomats or visit embassy libraries have been charged with espionage. Believers arrested for their religious activities are charged with obstructing state supervision over churches. And like the authorities in neighboring East European countries, Czechoslovak authorities have brought political and religious activists to trial on trumped-up criminal charges.

CIVIL AND POLITICAL RIGHTS

Charter 77, a coalition of Czechoslovak citizens united in their determination to encourage official compliance with the human rights agreements it has signed, represents one of the most active independent movements in Eastern Europe or the Soviet Union. Since 1977, when 241 people signed the Charter 77 manifesto, the number of signatories has risen to over 1,100. The manifesto stated, and subsequently issued charter documents have confirmed, that the purpose of Charter 77 is not to set up an opposition body targeted against the party and Government, nor to seek to change the Czechoslovak system, but rather to establish a mechanism whereby private citizens can maintain a dialogue with the Government. Charter documents have focused on economic and social issues touching Czechoslovak society as well as limitations on the rights of the individual.

Charter 77 has carried on debate with parties outside of Czechoslovakia as well. It has addressed independent East European groups such as Poland's Solidarity and Hungary's Danube Circle, international conferences, such as the recently concluded Bern

Human Contacts Experts Meeting of the 35 Helsinki Final Act signatories, and Western peace groups. It has promoted steadfastly the principle of the indivisibility of peace and human rights which all charter signatories share. The Prague Appeal, which Charter 77 issued in March 1985, explains the link the charter signatories see between peace and human rights:

The freedom and dignity of individual citizens are the key to the freedom and self-determination of nations. And only sovereign nations can transform Europe into a community of equal partners which would not pose the threat of a global nuclear war, but instead serve as an example of real peaceful coexistence.¹

In April 1978, Charter 77 signatories founded the working group VONS, the Committee for the Defense of the Unjustly Persecuted. Its work complements the work of Charter 77, but it focuses solely on specific cases of human rights abuses in Czechoslovakia. VONS members, who have all signed onto the Charter 77 manifesto, play a monitoring and advocacy role for Czechoslovak political prisoners incarcerated for the exercising of their human rights. They also provide support for political prisoners' families. VONS issues frequent communiques describing the repression of human rights and independent cultural activists.

The Czechoslovak authorities have responded to Charter 77 and VONS with harassment, detention, imprisonment and increasing surveillance of activists. For a time, the regime seemed to favor meting out suspended sentences and reduction of liberties rather than actually imprisoning activists. Consequently, there were few political prisoners in Czechoslovakia incarcerated for their human rights work rather than their attempts to leave the country, for which many political prisoners are serving time. However, harassment of human rights activists continues and has even increased. And recently, authorities have renewed the crack down on citizens who have sought to follow an independent path in social, cultural and religious life with detentions and imprisonment.

At present, 6 Charter 77 signatories are serving prison terms or are in detention—Walter Kania, serving 2 years for "harming the interests of the Republic abroad;" Frantisek Veis, serving 12 years for espionage; Jiri Wolf, serving 6 years for "subversion;" Herman Chromy, serving 2 years for "incitement;" and Jan Dus, detained during a house search and charged with "harming the interests of the Republic abroad and subversion." Eduard Vacek, serving 1 year for "possessing, distributing and producing ideologically objectionable literature." These and other current Charter 77 and VONS cases are included in the annex to this report.

During the period under review the regime inaugurated a new method to hamper Charter 77 and VONS activists' efforts. This method of harassment grew out of a 1963 statute which legalized a strict regimen of curfews, interrogations and restricted movement for chronic criminal offenders released from prison. According to Amnesty International, it was first employed against Czechoslovak political activists in 1981. In 1984 it was invoked to control the

¹ See footnote on p. 232.

movement of Charter 77 signatories and VONS members Ladislav Lis and Jan Litomisky. Under the protective supervision regimen, Lis and Litomisky were required to report daily to the police station, provide authorities with information on their jobs and salaries, let their homes be searched at any time, observe strict curfews, and obtain prior permission to travel outside their assigned places of residence. Litomisky's term of protective supervision was scheduled to end in 1986.

Four former political prisoners in addition to Lis were confined in 1986 by protective supervision: Jiri Gruntorad, Frantisek Starek, Ivan Jirous and Petr Cibulka. All are Charter 77 signatories. Starek and Jirous were involved in the independent development of culture through the *samizdat* periodical *Vokno* ("Window") and the pop musical group, "Plastic People of the Universe," whose prosecution in 1976 was closely tied with the formation of Charter 77. Released from prison in May 1984 and May 1985 respectively, Starek and Jirous next faced 2- and 3-year terms of protective supervision each. Gruntorad, released from prison in January 1985 after serving almost 4 years for his independent publishing activities and subsequent complaints that guards had beaten him in prison, was made subject to protective supervision for 3 years. Cibulka, released in July 1986 after 7 months' imprisonment for "insulting the nation," faces a further sentence of 3 years' protective supervision and a ban on visiting Prague. In September 1986 Cibulka was detained again for violating the terms of his protective supervision sentence.

Still others have terms of protective supervision awaiting them upon release from prison. Jiri Wolf, for instance, was sentenced in 1983 to 6 years imprisonment and 3 years "protective supervision" for subversion. This latest imprisonment, Wolf's third, was due to his dissemination of Charter 77 materials and informing foreign journalists and a Western Embassy in Prague of prison conditions in Czechoslovakia.

Many Charter 77 signatories, while technically free, are hampered in their activities by unceasing harassment. Playwright Vaclav Havel, an original signatory of Charter 77 and one of its first spokespersons, has had a long history of conflict with the Czechoslovak authorities. First sentenced in 1977 upon publication of the Charter 77 manifesto for "harming the interests of the Republic abroad," Havel has withstood several detentions, imprisonment, surveillance, house searches and other unending harassment from authorities. In January 1983, after serving 3½ years of a 4½-year sentence, Havel was released from prison into the intensive care unit of a civilian hospital after falling seriously ill. In late 1985 he wrote a letter to the Czechoslovak Prosecutor General (which subsequently appeared in *The Washington Post* in December 1985) protesting police harassment during his auto trip to visit friends in Czechoslovakia.

Political prisoners incarcerated in Czechoslovakia range from Charter 77 signatories to religious activists to citizens who have sought to leave the country without official permission. The number of political prisoners is not known, but the U.S. State Department estimates that it falls between 300 and 1,000. Most of the would-be emigrants imprisoned in Czechoslovakia receive 1- to 2-

year sentences, but VONS has documented cases in which such prisoners have served for 10 or more years on multiple charges associated with their attempted escape.

Under Czechoslovak law, detainees can be held for up to 48 hours without charges. This limit often is exceeded in practice. One common form of harassment used against political activists is repeated 48-hour detentions. Authorities also employ searches and interrogations to harass citizens into inaction.

Detainees may be held for 60 days for investigation if the authorities decide to press charges. Investigative detention may be and often is extended at the request of the prosecution, and detainees occasionally are held for long periods without being brought to trial. During this time, they are not permitted to receive family visitors. On occasion, detentions without charges have lasted for up to 1 year. For example, ethnic Hungarian human rights advocate Miklos Duray was arrested in May 1984 and released 1 year later without ever having been brought to trial. In general, however, Czechoslovak authorities do not detain suspects for a long time, but instead release them pending trial.

Czechoslovak law provides that citizens charged with criminal offenses should be granted a fair and open public trial. The law provides that the accused has a right to be informed of the charges against him, to have counsel, and to present a defense. Few of these legal guarantees are effective in practice. However, authorities began in 1985 for the first time to allow Western diplomatic representatives on occasion to attend Czechoslovak trials.

The Czechoslovak Constitution theoretically guarantees freedom of speech and the press. However, it proclaims explicitly that freedom of expression will be safeguarded only if it accords with the "interests of the working class." Article 100 of the Czechoslovak Criminal Code (incitement) or article 112 (harming the interests of the Republic abroad) are the most common articles invoked to curb freedom of expression in Czechoslovakia.

In the period covered by this Implementation Report, the Czechoslovak regime intensified its campaign to stem all independent cultural and publishing activities. Throughout the period, VONS has documented police harassment of rock concert performers and attendees. The years 1982 and 1983 saw a series of vitriolic pieces on contemporary music in official newspapers. Charter 77 identified the source of the regime's concern about contemporary cultural developments in the fact that in Czechoslovakia, a "relatively silent" country, where "(s)ilence equals even the ritual repetition of worn-out words and phrases," a singer becomes "also a poet, preacher and spokesman."²

In October 1984, the Czechoslovak Ministry of Culture ordered the disbanding of the 7,000-member Jazz Section of the Czechoslovak Musicians' Union. This attempt to end the Jazz Section's activities through direct means was far from the first attack by the regime, which had become increasingly alarmed over the independent publishing activities of the Section—focusing largely on non-conformist art—and the growing popularity of rock music. In

² See footnote on p. 232.

March 1985, the Jazz Section was dissolved under a statute dating from 1968 which bans counter-revolutionary activity. However, the Chairman of the Jazz Section, Karel Srp, and his deputy, Josef Skalnik, contend that the Government's dissolution of the Section alone could not end the Section's activities, as it is a member of the International Jazz Federation of the Music Council of UNESCO.

In September 1985, the Jazz Section's financial records and membership lists were confiscated after police searched the Section's offices and its leaders' apartments. In the same month Jazz Section member and Charter 77 signatory Petr Cibulka was sentenced to 7 months imprisonment for "insulting the nation." Authorities confiscated Srp's passport and levied criminal charges against him. In September 1986, the authorities moved decisively against the Section, arresting seven of its members, including Srp and Skalnik. They were charged with unauthorized business activities. Sentences for such charges can range from 2 to 8 years.

On September 30, 1986, four associates of the Jazz Section announced the formation of the Action Committee for the Jazz Section. The Committee's aims are to represent the Jazz Section temporarily, work for the release of Jazz Section detainees, continue the Section's activities, and support the detainees' families. In October, the Committee sent an appeal on behalf of the Jazz Section to the CSCE Vienna Review Meeting.

Over 200 writers publish their work in *samizdat* in Czechoslovakia. The writers are interrogated regularly, but rarely are imprisoned for their writings. Instead, the regime usually punishes those who reproduce, distribute and bring into the country *samizdat* materials. For example, in 1985, authorities detained and interrogated five Catholics who allegedly set up an underground printing press for disseminating religious materials. In July of the same year, Petr Kozanek and Zdenek Kotrly were charged with "attempting to damage the Czechoslovak Republic's interests abroad" for trying to take some of Catholic writer Iva Kotrla's manuscripts to Austria in their car. Each was handed a 10-month suspended sentence. Iva Kotrla is the author of three volumes of poetry and a novel, none of which have been published openly in Czechoslovakia.

In 1985, poet Lenka Mareckova was sentenced to 7 months in prison, after a 2-month detention, for incitement. At a reading, she had presented poems which authorities deemed critical of the Czechoslovak system and the Soviet Union. In 1984 Mareckova had been sentenced to a 1-year imprisonment, suspended for 2 years, and had lost an appeal against that sentence. Subsequently, the judge ruled that she had been charged under the wrong provision of the Criminal Code, and re-sentenced her for violating the legal provisions against incitement.

One of Czechoslovakia's most illustrious cultural figures, the late Nobel Prize-winning poet Jaroslav Seifert, also was a victim of state censorship. In its essay on "The Right to Information," Charter 77 observed that the Czechoslovak media embarked on a disinformation campaign, claiming that Seifert was one of the most frequently published poets in the country. The campaign belied the truth that none of Seifert's poetry had been published in Czechoslo-

vakia for 10 years and that his recent poetry had been published, in uncensored form, only abroad or in *samizdat*.³

Czechoslovak citizens unaffiliated with any officially recognized institute or organization cannot legally obtain printing and photocopying equipment. They can and do still own typewriters. However, the Czechoslovak authorities are attempting to halt the dissemination of *samizdat* literature by confiscating typewriters and paper. To justify their action, they cite section 118 of the Czechoslovak Penal Code, on unauthorized business enterprises.

The Charter 77 *samizdat* monthly, *Information about the Charter*, is a special target of harassment. Security police ransacked its editor's apartment for 10 hours after learning that the journal had been awarded the Jan Palach Prize for 1984 in Paris. The search allegedly was sparked by reports that the apartment might be holding weapons, explosives, and other items dangerous to the public.

Despite the official campaign to stamp out *samizdat*, new *samizdat* publications continue to be issued in Czechoslovakia. In 1985, the first issue of the *samizdat* periodical *Komentare* appeared, carrying essays by anonymous Czechoslovak citizens on approaches to peace. It also included contributions by many prominent members of Western peace movements.

Czechoslovak vigilance against "harming the interests of the Republic abroad" extends also to private letters. In November 1985, ecologists Pavel Krivka and Pavel Skoda were sentenced to 3 years and 20 months respectively for subversion and incitement, after they had written and sent a letter to friends in West Germany that detailed the ecological problem areas in Czechoslovakia and the handling of floods there in 1984.

Theoretically, the Czechoslovak Constitution upholds freedom of assembly. However, public meetings may be held only with official permission, and private gatherings are considered subversive. In March 1985, 48 Czechoslovak citizens were detained after meeting in a private home where they had watched historical films. The independent philosophical seminars carried on by Charter 77 signatory Dr. Ladislav Hejdanek consistently have been subject to such harassment, ever since the inception of the seminar series in the late 1970's. Dr. Hejdanek has been subject to numerous detentions and interrogations, most recently in May 1986.

In 1983, Czechoslovakia withdrew from the World Psychiatric Association after that organization declared that Czechoslovakia abused psychiatry for political purposes. During the period covered by this Implementation Report, authorities used psychiatric confinement to punish several individuals for their religious or other independent activities. Most often, such confinement has been ordered for persons who dissent publicly from regime policies or actions. But it is also used to intimidate those whose dissent is expressed in *samizdat* literature and in personal correspondence.

Probably the longest standing case of the abuse of psychiatry in Czechoslovakia involves the Adventist Korinek couple, who went into hiding in July 1985 to escape involuntary incarceration in a

³ See footnote on p. 232.

psychiatric hospital. For over a decade they had been subjected to continual treatment in psychiatric institutions, and had fought a losing battle to regain custody of their children.

Another case of psychiatric abuse occurred in 1984 when Jan Pukalik was charged under article 100 (incitement) for collecting signatures on a petition protesting deployment of Soviet missiles in Czechoslovakia. After he had circulated his petition, Pukalik was detained, interrogated and beaten. Authorities determined that Pukalik was mentally deranged and ordered him into outpatient psychiatric care against his will.

The case of Czech Catholic activist Augustin Navratil is a further instance of psychiatric abuse in Czechoslovakia. In November 1985, Navratil was arrested and jailed in Brno for incitement, after he disseminated a letter alleging that state security forces had been involved in the murder of a clandestinely ordained Catholic priest in 1981. The following month he was transferred to a psychiatric hospital. Prior to his 1985 arrest, Navratil had been forced to undergo psychiatric treatment for distributing religious literature. According to one source, another likely reason for his arrest was the authorities' suspicion that he might be sheltering the Korineks.⁴

Several Charter 77 signatories have had to undergo psychiatric examinations in recent years. They include Tomas Liska, David Nemec, Karel Soukup, Professor Julius Tomin and Father Vaclav Maly. Karel Svorcik was confined to a psychiatric clinic for 3 weeks in fall 1984 after a house search during which police confiscated *samizdat* materials and personal letters.

RELIGIOUS RIGHTS

Next to the Charter 77 and VONS activists, no group in Czechoslovak society troubles the authorities more than religious believers. Compared to the human rights monitors, the churchgoers form a formidably large and committed group; committed, that is, to the practice of their religion over the state's secular and socialization goals. Perhaps nowhere else in Eastern Europe, next to Poland, is the contest between the majority church and the state so heated.

Most worrying to the Government is the church's growing attraction for young people. As Charter 77 signatory Jiri Dienstbier stated, "The church is becoming an outlet for the frustration among the young. . . . It is the only activity left which is official and also a symbol of opposition."⁵

The largest church in Czechoslovakia is the Catholic Church, with an estimated 8 to 11 million members (of a total population of 15½ million). One million or so Czechoslovak citizens are Protestants, and Czechoslovak citizens can belong legally to 16 other officially recognized denominations. Others belong to banned churches with a proselytizing mission, such as the Jehovah's Witnesses and the Mormons.

As elsewhere in Eastern Europe, the Czechoslovak authorities maintain strict control of religion through harsh application of laws and statutes and, most effectively, through state administra-

^{4 5} See footnotes on p. 232.

tion of the various churches. The state's control, centered in the federal and two subsidiary Offices for Religious Affairs, is multi-layered and established through both formal and informal mechanisms—it dictates prelates' appointments and salaries, seminary admissions and religious education directly; it guides the members of *Pacem in Terris*, a political organization of Catholic priests set up by the regime in defiance of the Vatican; and it controls religious contacts through its passport policies and co-opting of several religious organizations. The state also discriminates against believers in employment and education.

Nevertheless, believers persist in practicing their faith and marking life's milestones with religious rituals. The Catholic *samizdat* paper, "Information About the Church," reported recently on a speech by the former Czechoslovak Minister of Religious Affairs, in which he cited some statistics which support the impression that the Catholic Church remains an important institution in many Czechoslovak citizens' lives: in 1984, 71.6 percent of newborn babies in Slovakia and 31.2 percent in the Czech lands were baptized; 53 percent of weddings in Slovakia and 15.8 percent in the Czech lands were conducted in churches; and 80.5 percent of the dead in Slovakia and 50.6 percent in the Czech lands were buried with church rites.⁶

Despite continuing adherence of believers, the church must struggle with a state apparatus that is intent on weakening it and ultimately winning full subservience from it. One of the Catholic Church's greatest complaints against the Czechoslovak authorities is that for years resident bishops have not been appointed to 10 out of 13 bishoprics. The seats are vacant not merely because of a shortage of licensed priests, but because the church's and state's candidates are mutually unacceptable. The state will accept only members of the *Pacem in Terris* organization, the state-sponsored "peace association" of Catholic clergy founded in 1971. The church favors the appointment of only those prelates who have refused to join *Pacem in Terris*. (In 1982, the Vatican banned clergy participation in political organizations.) The majority of Catholic prelates, including Cardinal Tomasek, Archbishop of Prague and Primate of Bohemia, have disassociated themselves from the officially favored organization.

The regime goes further, however, than blocking the appointment of bishops to dioceses. It also assigns priests to parishes and to all higher church offices. It withdraws priests' licenses, and enforces the withdrawals by prosecuting priests who continue to perform religious duties without a license. The most commonly invoked legal provision in such circumstances is article 178 of the Czechoslovak Criminal Code, concerning obstruction of state supervision of churches. In a recent interview with the Italian magazine *Il Sabato*, Cardinal Tomasek, reported that as of 1985, 1,161 of 4,336 parishes in Czechoslovakia had no priest.⁷

In August 1984, Father Adam Rucki's license was revoked without explanation. Earlier in the year Father Rucki had been interrogated by the police concerning his contacts with youth. An appeal

^{6 7} See footnotes on p. 232.

signed by 466 parishioners on his behalf was sent to Cardinal Tomasek. In the same year, authorities revoked the license of Jan Keller, minister of the Czech Brethren Evangelical Church, for organizing informal youth groups. The charges were dropped in February 1986 in the wake of a citizens' protest petition bearing 2,000 signatures; but he remains barred from practicing as a clergyman.

The state controls religious education of both children and clergy, and prohibits unofficial gatherings, such as privately celebrated masses, prayer meetings, and seminars. In a recent incident of unauthorized religious assembly, in 1984, Father Joseph Kajnek received a suspended sentence and lost his license because he allowed an unlicensed prelate to teach religious classes and showed slides to children in a church without obtaining official permission for a meeting. In 1984, state authorities warned Father Bohumil Sitavanc that his note to parents reminding them of the right to register their children for school religious instruction constituted "illicit duplicating" and "interference in family life." He was told that such an action could lead to the loss of his license.

Parents must obtain permission from state officials if they wish their children to receive religious training in elementary school. Thus they become vulnerable to discrimination against themselves and their family. Reportedly, children who have received religious instruction automatically are made ineligible for higher education; their parents often lose their jobs. Moreover, believers are barred from higher public office or managerial positions in almost all non-religious institutions.

In recent years, the two Catholic seminaries in Czechoslovakia accepted a few more students than in recent years (43 students instead of the usual 30 were accepted for the 1984-85 schoolyear; 38 were accepted for 1985-86).⁸ However, according to some sources, although more candidates for the priesthood are being allowed to study at the Bratislava Seminary, a reorganization of professorships may strengthen the state's influence over the curriculum.⁹ And the number of seminary students still falls far below the demands of both would-be priests and parishes.

The Catholic Church in Czechoslovakia, long under siege from the state, is shadowed by an underground church which is even more of a target for official repression. Unlicensed priests, underground publishers and members of religious orders carry on their activities outside the bounds of the officially recognized church.

During the period in review, authorities embarked on a campaign to intimidate suspected Franciscans, members of one of the religious orders which have been banned in Czechoslovakia since 1950 but have occasionally made their continued existence known. In a 1985 pilgrimage in predominantly Catholic Slovakia, for instance, Franciscan monks appeared in public in their habits for the first time since the dissolution of the monasteries. Most of the detained Franciscans have been handed suspended sentences. However, recently authorities have taken a harder line against Franciscans in response to that order's increasing influence and visibility in Czechoslovak religious life. In 1986, a Franciscan prelate, Father

^{8 9} See footnotes on p. 232.

Bystrik Cyril Janik, was sentenced to 28 months in prison for allegedly "obtaining money by deception;" in reality he had participated in religious rituals without a permit.

The growing visibility and strength among believers of these churches in Czechoslovakia have been nowhere more apparent than in the pilgrimages and church celebrations that recently have taken place in the country. In April 1985, over 1,000 Catholic priests, both licensed and banned, gathered at Velehrad for the opening celebration of the 1,100th anniversary of the death of St. Methodius, which was conducted by Cardinal Tomasek. The celebration continued in July, when 150,000 Czechoslovak Catholics participated in the Velehrad pilgrimage, the largest religious gathering in Czechoslovak postwar history. Many instances of restrictions of religious rights took place around the 1985 pilgrimage to Velehrad, including the state's withdrawal of licenses from three priests.

The church's conflict with the authorities over Velehrad had begun already in early 1984, when Catholics began to collect signatures on an invitation to the celebration addressed to the Pope. The group collected 20,000 names on the invitation before it abandoned its efforts due to official harassment. In February 1985, Cardinal Tomasek took up the cause personally by extending an invitation to the Pope. In the end, not only the Pope, but also Polish Primate Cardinal Glemp, Archbishop of Vienna Cardinal Koenig, Archbishop of Paris Cardinal Lustiger and Primate of England and Wales Cardinal Hume were refused Czechoslovak permission to come to Velehrad.

The state enjoys substantial control over church publications. It can hire and fire employees, as well as exercise censorship directly. In 1984, the editorial board of *Cesky Bratr*, the Czech Brethren Church periodical, was fired when all its members refused to suspend publication of an issue deemed offensive to the state.

Religious *samizdat* is a source of unending concern to Czechoslovak secular authorities. A number of detentions and arrests for possession and distribution of religious *samizdat* occurred during the period under review. In 1984, Matej Nemeth, a Catholic priest, was accused of possessing illegal religious material and was charged with incitement. Also, three Slovak Catholics were given sentences of 16-18 months in March 1985 for having tried to carry religious material from Poland into Czechoslovakia. They were charged with "violating the regulations regarding exchange of goods with foreign countries." Their trial provoked considerable protest both inside the country and abroad. For example, seven Czechoslovak Catholic mothers signed a protest against the convictions, which was later publicized in *samizdat*. In June 1985, their sentences were reduced to 14 months.

In May 1986, six Catholics went on trial for importing, duplicating and disseminating religious literature. They were tried on the usual charge of obstructing state supervision of the church for possessing and using typewriters, duplicators and religious literature from abroad. The indictment against them condemned "the increased activity of the Catholic Church in Czechoslovakia," especially its secretly ordained priests who "led the accused to believe

that there is insufficient religious liberty in the country." ¹⁰ None of the accused were sentenced to prison.

Other denominations beside the Catholic Church are involved in the printing and distribution of religious *samizdat* materials. In October 1984, Jan Juhascik and Rudolf Sobanos were arrested in eastern Slovakia with 700 Russian language Bibles (printed in the West) in their car; Juhascik's father was arrested the next day. Several days later Vladislav Rakay was arrested when 1,000 Bibles were found in his possession. All are members of the Church of the Brethren, and were charged with seeking to smuggle the Bibles into the Soviet Union.

Czechoslovak believers are taking an increasingly strong stance in defending their rights. In February 1986, Catholics in Gottwaldow, the scene of a state crackdown on independent religious activity in fall 1985, drew up a petition protesting the state's abuse of believers' rights and addressed to the Czechoslovak Minister of Culture (who oversees the Office of Church Affairs). The petition demanded the release of individuals incarcerated for their "attempts to compensate for the lack of literature, principally religious [literature] . . ." ¹¹

Czechoslovakia's Jewish community has some 7,000 adherents, the vast majority of whom are elderly. A central body, the Community of Religious Congregations, regulates the Jewish community's affairs in both the Czech and Slovak regions. It is financed in large part by the state. Jewish religious life is in a state of decay, with infrequent religious services, and next to no religious education.

Until 1984, Czech Jews had neither a rabbi nor a religious school. Slovakia had just one rabbi. In spring 1984, Rabbi Daniel Mayer, trained in the Rabbinical Seminary in Budapest, became Prague's first resident rabbi since 1970. Now two rabbis serve the Czechoslovak Jewish community, one in Prague and one in Kosice. Nevertheless, Czechoslovak Jews have little hope for the continuation of the centuries-old Jewish life in Czechoslovakia in coming decades.

THE PEACE MOVEMENT

The peace movement in Czechoslovakia falls into three categories: the official, state-sponsored campaign, the tools of which are press articles and secular leaders' public addresses; the debate by and among Charter 77 signatories and other Europeans interested in peace issues; and spontaneous demonstrations by the young and religious believers. Churches in Czechoslovakia have not been as involved in the peace movement as churches in other East European countries such as the G.D.R. or Hungary, in part because they do not enjoy as strong a position vis-a-vis the state.

The authorities have made clear that they will not tolerate independent participation in the peace movement, which they claim as the regime's own province. Authorities did allow protest letters from private citizens against stationing of missiles in Czechoslovakia to be published in *Rude Pravo*; but this is the farthest authorities allowed independent participation to go. In 1983, Interior Min-

^{10 11} See footnotes on p. 232.

istry warned Charter 77 leaders that the authorities would regard any attempt to oppose the deployment of Soviet missiles as subversion (which can carry a sentence of up to 10 years). In spite of the warning, throughout the period in review, Charter 77 has continued to participate in debates on peace.

The World Peace Council held a "World Assembly for Peace and Life Against Nuclear War" in Prague in June 1983. The Council shut out Charter 77 participation. Nevertheless, Charter 77 members managed to meet outside the conference with West European activists, who signed a joint statement proclaiming that "peace and human rights belong together." Charter activists were harassed throughout the Assembly, causing Greenpeace and Pax Christi International to withdraw their delegates. Delegates representing the Federal Republic's Green Party also walked out of the Assembly to protest Czechoslovak stifling of the freedoms of the press and expression.

Charter 77 has issued many manifestos and other thought pieces reflecting a wide range of ideas on the arms race and peace. The most important peace-related document to emerge from Charter 77 is the Prague Appeal of March 1985. It represents the widest consensus yet of unofficial Czechoslovak thinking on the issue of peace. The Appeal was the result of months long discussions between charter signatories and was sent to a peace movement congress in Amsterdam. Not only Czechoslovak citizens but also citizens of other West and East European states entered into dialogue with the signatories to the Appeal, and that dialogue has not yet ended.

The Prague Appeal was the unofficial Czechoslovak reply to a West European peace movement which seemed to many Czechoslovak human rights monitors to be excessively one-sided (limited to criticizing the Western arms build-up and making only very faint references to the Eastern build-up) and too willing to dispense with human rights beyond the right to live in security. It identified the division of Europe as the root of its citizens' insecurity and took as its starting point, "Our common hope . . . lies in overcoming this division." It praised the Conference on Security and Cooperation in Europe for conducting negotiations between equal partners rather than blocs. And it called for Europeans to begin to debate previously taboo subjects which the peace movement so far had only skirted, including the division of Germany and withdrawal of foreign troops. Its solution was not to redraw European borders, but rather to make such redrawing unnecessary. The core of the document was the long-held Charter 77 premise, "(T)he principle of the indivisibility of peace, a legacy of European culture, has been embodied in relations not only between states, but also between the state and society, and between citizens and governments."¹²

Charter 77's manifestos to other peace groups in Western and Eastern Europe were accompanied by suggestions to the Czechoslovak regime for reforms in military service requirements. In 1985, for example, Charter 77 proposed to the Czechoslovak Federal Assembly that Czechoslovakia follow the example of the German

¹² See footnote on p. 232.

Democratic Republic and the Federal Republic of Germany and shorten mandatory military service from 24 to 18 months. The charter also suggested that like neighboring countries, Czechoslovakia should establish an alternative form of service for those citizens whose consciences or religion made it morally impossible for them to bear arms.

The third category of peace activities, spontaneous demonstrations, has gained momentum in the past few years. The demonstrations have ranged from circulating individual petitions against deployment of missiles to graffiti critical of the arms race to chanting of peace slogans at unofficial gatherings. The largest gathering of this type took place in December 1985 on the fifth anniversary of singer John Lennon's death. On this occasion, a group of mostly young people which ranged at different times from an estimated 200 to 1,000 participants, marched through the streets of Prague with a picture of Lennon bearing the inscription, "When will there be peace, John?" The crowd grew increasingly outspoken as its march progressed, chanting at different times, "We want freedom, we want peace," "No missile is a peace missile," "Do away with the Army," and "Do away with the SS-20s." In a positive development, police did not respond with force to break up the demonstration.¹³

In May 1986, a group of young people applied for official approval to form an organization called "Young Art for Peace." The group intended "to search for answers and for assistance in the pursuit of peace, disarmament, and the spreading and development of moral values." Authorities intimidated the would-be members of the group, persuading them through threats of unemployment and criminal prosecution to withdraw their request in June.

ECONOMIC AND SOCIAL RIGHTS

Long credited with enjoying one of the highest standards of living in Eastern Europe, in recent years Czechoslovakia has experienced an economic decline. The economy, dogged by central planning, aging infrastructure in a state of increasing disrepair and high energy costs, is stagnating, while any notion of substantive economic reform remains anathema to the regime. The regime has offered few incentives to labor and has allowed next to no scope for private activities in any sector of the economy. Despite the declining economic situation, most citizens have access to adequate means of existence, including food, shelter and medical care. But with such an economic decline, the regime is left with less and less to offer its citizens in the way of an improved quality of life.

Charter 77 has issued commentaries on the very serious problems Czechoslovakia faces in the economic, social and environmental areas. In doing so, it has come to fill a vacuum in Czechoslovak society where, as Charter 77 points out in its essay on "The Right to Information," "it is forbidden to make public anything dealing with important economic and ecological problems," and official newspapers carry only "optimistic-sounding ideas."¹⁴ Charter essays published during the period in review addressed such

^{13 14} See footnotes on p. 232.

themes as the environmental impact of certain construction plans, discrimination in employment, the shortfalls of the national health system, proposed economic reforms and the Chernobyl disaster.

Charter 77 points out that in many of these areas the Czechoslovak regime has violated its commitment to uphold broad economic and social rights. One charter criticism which echoes the opinions of other independent commentators in Eastern Europe addresses the moral decline which accompanies a stagnating political situation. Charter signatories have pointed out,

"Society is permeated with corruption, bribery, abuse of positions, shoddy work, cheating, pilfering, indifference to the soil which feeds us, indifference to values which were entrusted to us, squandering of those values and wasting human work."¹⁵

The increasing number of articles on economic crime in the official press demonstrates that the Charter 77 criticism has hit on a phenomenon that worries the secular authorities as well.

Another issue which Charter 77 has raised is discrimination throughout Czechoslovak society. Advancement in employment is contingent as much on political loyalty as qualifications. Many Charter 77 signatories and others who participated in the heady Prague spring of 1968 continue to work in menial jobs.

Discrimination crosses generational lines, and affects educational opportunities as well. The regime continues to intimidate the families of human rights activists by discrimination in higher education. In recent years, the children of several prominent Charter 77 signatories have encountered educational barriers. Some have sought to continue their education abroad and have been compelled to go into exile. In 1984, Jiri Dienstbier's daughter was permitted to accept a scholarship on the condition that she renounce her Czechoslovak citizenship. In 1986, Jiri Hajek's son likewise was required to renounce his citizenship in order to pursue his education in Norway. Education is politicized to the point where it is "subordinated . . . to ideology; the schools are presenting a distorted picture of reality and are deforming the cultural awareness of the young generation."¹⁶

Workers in Czechoslovakia are neither allowed "freely to establish" unions, nor to avoid becoming members of the state-sponsored workers' organization, the Revolutionary Workers' Movement (ROH). The right to strike does not exist in Czechoslovakia. However, on occasion workers' organizations within industries or factories have been able to gain some improvements in working conditions through negotiation with management.

Only a few instances of independent labor activity have been reported during the period under review. In December 1982, four young Czechoslovaks were sentenced to 1 to 4 years in prison for disseminating leaflets urging solidarity with Polish workers. And in late 1983 the "Preparatory Committee for Free Trade Unions" issued a statement criticizing the official trade unions for having supported the Government's decision to accept the deployment of Soviet missiles in Czechoslovakia.

^{15 16} See footnotes on p. 232.

ETHNIC RIGHTS

Only about 5 percent of the Czechoslovak population is not ethnically Czech or Slovak. Approximately 550,000 Hungarians live in Czechoslovakia. They are proportionally represented in federal and local legislative bodies but are underrepresented in high-level jobs in industry, the Government and the party. The state provides some elementary and secondary education in Hungarian and permits a limited number of ethnic Hungarians to pursue higher education in Hungarian. Czechoslovakia's small Gypsy population, numbering about 250,000, faces discrimination as it does elsewhere in Eastern Europe.

In November 1982, ethnic Hungarian minority rights proponent Miklos Duray was interrogated by police about his criticisms of Czechoslovak minority policies, which had appeared in *samizdat* and in publications in the West (including a report to the CSCE Madrid meeting on resolving internal minority problems). In February 1983 he was tried for "hostile acts against the state" (section 98 of the Criminal Code), but the trial ended without a verdict and he was released. The charge against Duray was never dropped. In August 1983, he signed the Charter 77 manifesto.

Duray came into conflict with the Czechoslovak authorities once again in May 1984, when he was arrested following his protests against a new schooling law in Slovakia which the Hungarian minority in Czechoslovakia (which is concentrated in Slovakia, where it comprises 11 percent of the population) regarded to be damaging to Hungarian-language education. Duray had organized a widespread protest against an education reform law which permits the curtailment of minority language teaching in Slovak schools. He was released on May 10, 1985, from prison in Slovakia after 1 year's detention; he had never formally been charged.

CZECHOSLOVAKIA AND THE CSCE PROCESS

In November 1983, Charter 77 spokespeople sent a letter to President Husak in which they reconfirmed the link between peace and human rights and pointed out specific ways in which Czechoslovakia could better meet its Helsinki obligations as reaffirmed at Madrid. These included: amending the Czechoslovak legal system to make it correspond to international obligations; supporting the creation of a Czechoslovak Human Rights Committee competent to handle reports from individuals on the implementation of the U.N. Covenant on Civil and Political Rights; and respecting citizens' initiatives by individuals and by informal or formal associations. As in the case of all Charter 77 initiatives, the Government never replied.

The CSCE process provides Western countries with an opportunity to bring to light Czechoslovak violations of its citizens' rights and to pursue the resolution of specific cases. But when it comes to engaging in dialogue about human rights concerns, the Czechoslovak authorities are as loathe to discuss these concerns with CSCE delegations as with their own citizenry.

GERMAN DEMOCRATIC REPUBLIC

INTRODUCTION

The continuing high levels of legal emigration from the German Democratic Republic, as well as the isolated, desperate and infrequently successful escape attempts over the border with the Federal Republic of Germany, testify not only to the lure of the West to East German citizens but also to continuing repression in the German Democratic Republic. Living in the heart of Europe, well within reach of West European media, East Germans hear of life in the West every day, and are in a position to compare their society to neighboring ones, as well as to share in at least a limited way in the movements that ripple through those societies. The West European peace movement, for instance, found particular resonance in the German Democratic Republic in recent years.

Enjoying the highest standard of living in Eastern Europe, East Germans enjoy few of the freedoms which accompany prosperity in the West. Yet some have found accommodation with the Government in a closely circumscribed but significant sphere of independent cultural and religious life. The majority Evangelical (Lutheran) Church, for instance, plays an active role in the life of the German Democratic Republic.

CIVIL AND POLITICAL RIGHTS

Specific regulations significantly limit the activities of G.D.R. citizens, but the broad application of generally worded laws is the most severe threat to human rights in that country. For example, a 1981 law on house arrests allows authorities to order the detention and questioning of citizens suspected of being threats to security "even if a violation of a particular law has not occurred." The Penal Code provides that the transmission of information damaging to the interests of the German Democratic Republic, even if it is not secret, may be considered treason. Laws against "anti-state agitation" and "asocial behavior" (parasitism) frequently are used to curb citizens' independent activities.

The G.D.R. Constitution guarantees the freedoms of conscience, belief, expression, the press, peaceful assembly and association. However, the official commentary to the Constitution limits these freedoms with the countervailing "(c)onstitutional duty to oppose . . . the spreading of anti-socialist ideology which is practiced in the name of 'freedom,' 'democracy,' or 'humanity.'" Thus, individuals face imprisonment for: sending unclassified information to individuals or groups abroad which can harm the interests of the G.D.R.; criticizing the condition of G.D.R. society and its allies; and disseminating publications or symbols which can "disturb the Socialist way of life or bring the state or public order into contempt." G.D.R. authorities do not consider independent human rights advocacy to be a legitimate or legal activity.

A few small, unofficial human rights groups are known to exist in the G.D.R. Over the past few years, small dissident groups have formed on occasion and been suppressed by the authorities. The German Democratic Republic has a state-sponsored Committee for

the Protection of Human Rights which monitors human rights concerns in the West.

G.D.R. citizens involved in political activities are subject to frequent police interrogations, even when formal charges have not been brought against them. Lengthy pre-trial detention is common for political prisoners. Detainees legally may be held for 3 months before charges are brought against them, but authorities have been known to extend this period. Although G.D.R. law requires prompt notification of a detainee's family or employer, in most cases involving political detainees notification of interested parties comes far later than 24 hours after detention. Political trials are closed to observers, despite the guarantee of "fair" and "public" trials guaranteed in the Constitution.

The number of political prisoners in the German Democratic Republic is unknown. Estimates from various Western human rights organizations between 1982 and 1986 have ranged from 6,000 to 10,000. This number includes citizens who have sought to leave the country by applying to emigrate or through illegal channels, peace activists, opposition Marxists and conscientious objectors who have refused to be drafted into the East German military. An F.R.G. government agency which monitors G.D.R. human rights violations, the *Zentrale Erfassungstelle Salzgitter*, announced in 1986 that it had noted 24,716 prosecutions for political offenses in the German Democratic Republic since the Berlin Wall was erected 25 years ago.

Many ex-political prisoners are permitted to emigrate through official procedures after their prison terms are complete; alternatively, they are "bought out" by the West German Government. Since 1963, when the Federal Republic of Germany began to pay for the emigration of G.D.R. political prisoners, it has paid for the freedom of approximately 25,000 such prisoners. Each year, increasing numbers of ex-political prisoners have emigrated to the Federal Republic through this informal intra-German program. The Federal Republic bought out about 1,000 G.D.R. political prisoners in 1982, 1,034 in 1983; 2,341 in 1984 and 2,676 in 1985.¹

The freedom of assembly that theoretically is safeguarded in the G.D.R. Constitution is significantly limited by various articles in the Penal Code. The Code stipulates that citizens "uniting to pursue illegal goals" can be sentenced to up to 5 years imprisonment. Leaders of such gatherings can receive 8-year sentences. "Riotous assembly," "rowdyism" and "impeding state and social activity" are some of the categories under which participants in unauthorized gatherings are prosecuted.

Restrictions on the freedom to associate with others extend beyond the German Democratic Republic's boundaries. Section 219 of the Penal Code prohibits "establish(ing) contacts with organizations, institutions, groups of persons or individuals whose aims are opposed to the State system of the German Democratic Republic." Written as well as personal contact comes under this provision, and section 219 often is invoked to halt G.D.R. citizens' publishing activities abroad. In February 1984, authorities arrested songwriter

¹ See footnote on p. 232.

Karlheinz Bomberg after he transmitted copies of some of his songs to contacts in the West. He was handed a 30-month suspended sentence for unlawful contacts with foreigners. In April of the same year, author Lutz Rathenow wrote a letter of protest to the G.D.R. Ministry of Culture because he had not been allowed to receive a copy of his book published in the Federal Republic. (Rathenow, imprisoned in 1980, was the first East German writer to be imprisoned for publishing his works abroad.) He was refused permission to visit the University of Texas in 1986 because, as the G.D.R. authorities informed him, he did not fit the profile of G.D.R. cultural figures who present a positive image of the German Democratic Republic abroad and who would be allowed foreign travel. G.D.R. economist Hermann von Berg lost his Humboldt University professorship in 1985 because one of his books was published in the Federal Republic of Germany.

Restrictions on the freedoms of association and assembly reach equally into private homes. In recent years, the regime has implemented existing regulations more consistently than previously to prevent political gatherings in private. Since February 1983, in the wake of a Christmastime and New Year's wave of arrests and other harassment of independent peace activists, the authorities have prosecuted attendees of meetings, discussion groups and exhibits in private homes who have not obtained an official permit prior to their gatherings. Thus the authorities have further circumscribed the already narrow fora in which G.D.R. citizens can share their independent opinions.

In May 1984, the G.D.R. *Law Gazette* published an update of a decree on police powers over unauthorized demonstrations and petitions which "abuse the interests of society" or constitute "offenses against the public order and security." The prohibition of unauthorized demonstrations extends to symbols and signs. Publication of the decree seemed to be targeted specifically at symbols such as the "Swords into Ploughshares" badges which independent peace advocates sported on their sleeves and which were banned in 1982. In February 1985, four peace activists were sentenced to 5 to 8 months in prison for printing signs criticizing the stationing of Soviet missiles in the German Democratic Republic.

A July 1984 decree authorized the levying of a 500-mark fine for "disturbances of the socialist community life." According to this law, citizens will be prosecuted who "organize, support, or in some other way participate in a gathering which is likely to flout society's interests or to affect adversely the public order and security," "evince or encourage in a demonstrative way a disrespect for laws and other legal regulations, or national or social interest," or "make use of themes, symbols, or other signs in a way which goes against governmental or social interests."

The detentions, arrests and other punishment of citizens whose independent actions ranged from public demonstrations to private discussion show clearly that independent political participation by citizens is anathema to G.D.R. authorities. In January 1983, peace activist Roland Jahn was arrested for "defaming the nation" after he had carried a flag publicly manifesting support for the independent Polish trade union, Solidarity. In June of that year, he was removed forcibly from the German Democratic Republic and

stripped of his citizenship. Some 25 other peace activists were forced to leave the German Democratic Republic shortly thereafter. In 1984, four members of the Weimar Montagskreise, a church-connected discussion group, were sentenced to up to 32 months in prison for "prejudicing state and social activity" and "illegal association." In mid-July of the same year, four more activists were sentenced to 24 to 34 months in prison for disseminating literature which spoke against the German Democratic Republic's official policies concerning peace and the environment and which called for a boycott of the upcoming local elections.

RELIGIOUS RIGHTS

While East German activists seeking to exercise political rights independently have been prosecuted, many activists have found some room for maneuver within the Evangelical (Lutheran) Church. While not immune to government censure and sanctions, church officials play a prominent role in secular as well as in spiritual life. In a process of continued accommodation, the church has established a place for itself in the East German political order, forcing the regime to grant it some leeway in return for the church's acceptance of the party's leading role in the German Democratic Republic. Next to the Polish Catholic Church, the Evangelical Church enjoys the most autonomy from the state of any East European church.

The situation of the church in the German Democratic Republic is unique among the East European churches in many respects. Almost equal numbers of East Germans claim no religious affiliation as belong to the Evangelical Church (45 percent versus 47 percent), and 8 percent claim membership in the Catholic Church. Thus only a narrow majority of the population claims to have religious loyalties. Even if the Evangelical Church in the G.D.R. were inclined to play the sort of all-encompassing role that the Catholic Church in Poland does, its membership numbers could not sustain a struggle with the state over social and political power.

Despite relatively small numbers, the Evangelical Church enjoys broad latitude in the German Democratic Republic. It owns property, publishes and is involved in religious broadcasting. It collects church taxes directly from believers and sends its students to six state-funded theological seminaries at G.D.R. universities. Since the immediate post-war years, the church actively has explored social issues and sometimes has provided the Government with a social safety net which is evident in areas such as child care, medical services and care for the elderly. The state has not placed barriers in the way of the church's private supplementation of state-provided social welfare services. The church also provides ample opportunity for musicians and other artists, and can boast more church-associated musicians proportionate to population than any other church in the world.²

The framework which guides the life of the church in the German Democratic Republic was established in a 1978 meeting between President Honecker and East German Bishop Albrecht

² See footnote on p. 232.

Schoenherr. Bishop Schoenherr declared that the Evangelical Church sought to be a "Church in Socialism" which would recognize the existing power structure and still carve out a place and a mission for itself in G.D.R. society. Thus the church would play the role of a loyal opposition, criticizing some regime policies while accepting the regime's primacy in secular affairs.

In 1983, the East German Government appeared to relax control of the churches, particularly in the realm of censorship. Certain nonconformist musicians and writers were allowed to perform in church facilities, and some previously banned subjects were permitted to be discussed. The relaxation trend did not last beyond 1983, and in any case close state surveillance of the church's activities remained uninterrupted. Nevertheless, the Evangelical Church has spoken out increasingly on foreign policy issues, such as intra-German relations, and on domestic issues, such as alcoholism, crime, juvenile delinquency and the militarization of society.

G.D.R. President Erich Honecker has sought to establish amiable relations with church leaders. When the Protestant Church Federation elected a new leadership in 1985, he sent a highly complimentary letter of congratulations to the Federation which was reprinted in the state press. Church activities usually are treated favorably in the official media.

Various instances of church-state cooperation attest to the ability of these two institutions to coexist in the German Democratic Republic, with compromises made on both sides. The 500th anniversary of the birth of Martin Luther in 1983 was such an occasion. 200,000 people attended seven different congresses organized by the Protestant Churches to mark the anniversary. The fact that the church-sponsored discussion groups set up for the celebration went well beyond the immediate subject of their gatherings to such social issues as family life, suicide, alcoholism, juvenile delinquency and pacifism attests to the church's involvement with society in a wide range of secular areas.

State participation in the administration of the church, while minimal, causes some friction between secular and church authorities. The Evangelical Church Synod complains that the state does not provide sufficient materials to maintain and restore existing churches. But the German Democratic Republic does not experience divisive showdowns between churchgoers and state authorities over building code violations, licensing or other state interference in what the church considers its own domain. One positive development during the period under review was the state's decision of March 1985 to pay pensions to Protestant deaconesses (who perform social work). With this decision, the state signalled that it recognized and valued the contributions of church workers to G.D.R. society beyond the religious community.

The state regulates the printing and distribution of religious materials in the German Democratic Republic. Some church newspapers have been delayed, withdrawn from circulation, or self-censored under government pressure because letters on sensitive questions were to appear in various issues. In September 1984, for instance, government monitors suspended distribution of the Evangelical Church newspaper *Mecklenburgische Kirchenzeitung* until a report on a church synod discussion of environmental issues, de-

ployment of nuclear weapons in Europe, and the German Democratic Republic's conscription policy was excised. Earlier in that year, state censors pulled an issue of the church bulletin *Der Sonntag* which contained a poem deemed objectionable to the state.

Individual believers still are prey to state-sponsored surveillance and discrimination as the regime continues to press for full allegiance to the state over the church. Western-based human rights groups regularly have received reports of official discrimination against believers' children in state schools and universities.

Reportedly, believers discussed many of their concerns about official discrimination in a number of church synods during the period in review. For instance, discussants at a Berlin-Brandenburg Synod broached the subject of the G.D.R. State Security Service's role in supervising believers. One minister explained that young church members were summoned from their homes to answer questions on their congregations' activities. Other church members reported that they were subject to obvious and unceasing surveillance.³

The regime's relationship with minority and unofficial churches in the German Democratic Republic has sometimes been rocky, but nevertheless subject to compromise in favor of those churches' activities in their communities. Relations between the state and the Catholic Church, for instance, often have been strained. Since the inception of the German Democratic Republic, the Catholic Church has sought to avoid engagement with secular authorities over political issues, confining its negotiations with the Government to narrowly defined issues of believers' rights, such as religious education. By following such a policy of restricted relations with the regime, the church avoided legitimizing the regime but also forfeited any opportunity to make a positive difference for citizens of the German Democratic Republic.

In January 1983, Catholic bishops in the German Democratic Republic joined the Evangelical Church for the first time in opposing militarism in the German Democratic Republic and had a pastoral letter on this theme read to every Catholic congregation in the country.⁴ In the fall of 1984, Cardinal Meissner, the head of the Roman Catholic Church in East Germany, met with Klaus Gysi, the Minister for Religious Affairs, and expressed his displeasure that students in the country are being compelled to undertake a form of military preparation before conscription. He also sharply criticized the authorities' attitude towards school pupils who are believers.

The Jehovah's Witnesses have been banned in the German Democratic Republic since 1950. However, an estimated 28,000 Witnesses continue to practice their religion there. The authorities do not search them out for special persecution, but they are prosecuted for their categorical refusal to serve in the military with the customary 18-month imprisonment.

The Christian Science Church has been banned in the German Democratic Republic since 1951, due in part to its refusal to submit membership lists to the state and to its members' refusal of medical care. However, here too, the state and the small church have

^{3 4} See footnotes on p. 232.

found room for accommodation. In December 1984, state officials met with Christian Scientists and arranged the importation of some church literature from abroad. Recently state authorities granted permission for some new Christian Science churches to be built.

The German Democratic Republic's smallest religious group is the 450-member Jewish community. The leadership of the G.D.R. central Jewish body, the Federation of East German Jewish Congregations, is unquestioningly loyal to the regime and there are no public conflicts between the Jewish community and the state. While East German Jews, two-thirds of whom are over 60 years of age, are well cared for physically, spiritually they are starved. There has been no rabbi or cantor in the German Democratic Republic since 1969, and the community must send to Hungary or the Federal Republic for officiants at High Holiday services, funerals and other religious rituals. Recently, an American Jewish organization received official encouragement to arrange for a permanently stationed rabbi in East Berlin.

THE PEACE MOVEMENT

The early 1980's saw the emergence in the German Democratic Republic of a broad-based and outspoken peace movement which threatened to overshadow and show up the regime's own peace propaganda. The G.D.R. regime had long sought to convince its population and the world of the inseparable link between socialism and peace, but belied this connection by instituting ever more militaristic policies.

The growing militarization of G.D.R. society was manifest during the period in review in an increasing emphasis on military values and hatred of the enemy in schools, and the codification of state regulations defining military service requirements. From kindergarten, where children are encouraged to play with toy weapons, through secondary schools and university, where students learn to use hand grenades and rifles, into adulthood, when citizens are obliged to participate in civil defense exercises, the G.D.R. population is prepared continually for war. In March 1982, the regime promulgated a law requiring all institutions, enterprises and organizations to prepare citizens for military service, and making women between 18 and 50 years of age eligible for call-up in emergencies. These developments, together with the estimated 1,200,000 soldiers in the German Democratic Republic, the increasingly sharp rhetoric between East and West, and the threat of missile deployment, alarmed G.D.R. citizens and spurred them to take up the cause of peace.

The existence and outspokenness of the independent peace movement in the German Democratic Republic is difficult to understand without taking into account the special place of the "Church in Socialism" in the German Democratic Republic. In fact, most likely it would not have survived as long as it has without the support of the Evangelical Church. The church has affected the peace movement in three ways: by providing a source of information and analysis independent of the state, by intervening actively on behalf of peace activists being prosecuted by the authorities, and by refrain-

ing from questioning the regime's commitment to peace and arms control. It also has pursued dialogue with both the state and independent activists on peace issues.

The broad-based, independent peace movement originated in the German Democratic Republic largely in response to the increasing militarization of G.D.R. society discussed above and, to a lesser degree, to the large West German peace demonstrations of 1982 and 1983. During the 1970's the Evangelical Church had made some representations against the growing militarism of East German society. Since 1978, when compulsory defense studies were introduced into secondary schools, the Evangelical Church has been in the forefront of protests to the state about the disturbing militaristic trend in G.D.R. society. The Catholic Church joined in these protests in 1983.

Numerous church-connected and completely independent peace groups and movements emerged in the German Democratic Republic, beginning in 1981. In that year, the East German Evangelical Church adopted the Biblical slogan, "Swords into Ploughshares," which ironically echoed the slogan of a sculpture that the U.S.S.R. had presented to the United Nations. Authorities interrogated and harassed peace activists who wore badges with this slogan, sometimes ripping them off their clothing or threatening the activists with job demotions. In March 1982, the badges were banned.

The 100-member Women for Peace group was founded in 1982. In 1985 Women for Peace members Baerbel Bohley and Ulrike Poppe served about 1 year in prison before being released as a result of a hunger-strike. They had been arrested in December 1983 in part for maintaining contact with acquaintances in the West.

In 1981, the church approached state officials proposing modification of the construction unit service—in which those who do not want to carry arms can join a military building brigade—into a "social peace service," along the lines of the West German alternative service. Such a service would be purely civilian, limited to work in hospitals, geriatric homes, nursery schools and the like. The church has had little success in pressing the issues of militarism and a "social peace service," but nevertheless has kept the state involved in a lively debate as well as a constant struggle to explain away the militaristic overtones of the supposedly peace-loving German Democratic Republic.

The church provides a shelter for would-be peace activists who would be too exposed to state persecution without some sort of institutional shield. While the church's membership has been declining steadily, it is attracting ever increasing interest and participation from East German youth. Its role in the peace campaign may be attributable to this trend.

Despite the protection the church can provide, some East German churchpeople have been and continue to be prosecuted for their peace activism. Church leaders have been warned by authorities to restrain activist pastors and laity. In 1983, Evangelical deacon Lothar Rochau, who had counseled young men on how to take on construction work as an alternative to military service, was sentenced to 3 years imprisonment for anti-state behavior. In 1984, four members of a church-connected peace group in Gera

were sentenced to prison terms under paragraph 218 of the Criminal Code (which prohibits "organizing to pursue illegal aims").

More often, it is the peace activists without church ties or protection who are prosecuted and isolated from G.D.R. society. Reportedly, in late 1983 25 peace activists from Jena, the most militantly peace-activist oriented town in the German Democratic Republic, either were expelled from or emigrated from the German Democratic Republic. The Jena group had disassociated itself from the church, which some of its members accused of complicity with the regime's repression of peace activities through silence, and thus exposed itself to the state's retribution. In December 1982 and January 1983, 17 Jena activists had been arrested after they had tried to hold a "moment of silence for peace" on Christmas Eve; they were released in early 1983 under international pressure. In March of the same year several Jena peace activists infiltrated an officially sponsored peace demonstration and passively resisted police attempts to remove them and their signs. The emigration of many of the Jena peace activists to the Federal Republic from 1983 on led to sharply decreased activism in that city and effectively defused a potentially explosive falling-out between peace activists and the church.

In other instances, peace activists have been detained before engaging in any demonstration. In October 1983, 100 peace activists were detained to prevent them from holding a demonstration in Berlin. In November 1983, during the annual Peace Week for Lutheran Churches in both East and West Germany, about 300 peace activists were held in 24-hour preventive detention to prevent a planned demonstration in protest of nuclear weapon deployment. The G.D.R. peace activists were to be joined by Western friends to petition both the American and Soviet Embassies, calling for no new deployment of nuclear weapons. About 30 East Germans, together with West German Green Party and Dutch IKV (Inter-Church Peace Council) representatives, held a demonstration in East Berlin, but were arrested immediately. Two days after the demonstration, Evangelical Bishop Forck delivered the petitions to the Embassies. Aside from protection of individual activists and church-initiated dialogue with the state on peace issues, this was the first time the church publicly had supported such a mass action for peace.

The church's calls for alternative service were accompanied by increasing numbers of male citizens throughout the period under review who resisted military service. All male citizens of the German Democratic Republic aged 18 to 24 are subject to call-up for 18 months of military service. Beyond this, however, military drafters have pressured men into signing up for longer terms of military service. An estimated 1,000 East Germans refused active service in the army each year from 1983 through 1985, which was an increase from the estimated average of 250 to 700 per year during the 1970's. Many of these conscientious objectors are Mennonites, who refuse to perform any military service whatsoever.⁵

⁵ See footnote on p. 232.

Growing numbers of conscripts insist on placement in the construction battalions, and the Government is placing more of them there or on waiting lists to enter the battalions.

In 1985, authorities refrained from punishing some peace activists who had collaborated with Czechoslovak dissidents in issuing a peace manifesto. Later in the year the same activists sent an open letter to President Honecker criticizing official youth policies and again were not prosecuted or otherwise punished. Another sign of a more lenient attitude toward peace activists came in November 1985, when authorities refrained from prosecuting a few conscientious objectors who had refused to serve in the military. The authorities' recent tolerance of some peace demonstrations may be a function of lessening independent activity resulting from both earlier persecution and discouragement over the 1983 deployment of Soviet missiles in the German Democratic Republic, decreasing Western media attention to both the Western- and Eastern-based peace movements, and the regime's growing confidence in its ability to co-opt the peace movement to serve the state's purposes.

ECONOMIC AND SOCIAL RIGHTS

In comparison with the populations of other East European countries, the G.D.R. population enjoys a high standard of living. However, there are serious shortages of housing, and occasionally of consumer goods. Also, in recent years concern has mounted over environmental deterioration in the German Democratic Republic. The population feels this threat most immediately in the impending shortage of potable water in that country. But environmental damage goes far beyond polluted waters to unregulated dumping sites, unacceptably high sulfur emissions and a sharp increase in environment-related health problems.

While the G.D.R. Constitution guarantees the freedom to form trade unions, in practice independent unions are banned. Like trade unions in other East European countries, the G.D.R. trade unions are manipulated by authorities to carry out official policy and to transmit party economic directives to workers. East German workers do not enjoy the right to strike.

Academic freedom is circumscribed severely in the German Democratic Republic. All scholarship must serve the cause of building socialism. The sole exception to this rule is theology, which remains in the control of the church.

ETHNIC RIGHTS

There are few reports of state-sponsored discrimination against the only substantial minority in the German Democratic Republic, the Lusatian Sorbs. Approximately 45,000 Sorbs make their home in the German Democratic Republic. The state provides instruction in the Sorbian language and culture in some schools. It also subsidizes a Sorbian-language theater. The great majority of Sorbs belong to the Roman Catholic Church, which recently initiated a new program for the Sorbian minority in the German Democratic Republic to provide religious materials in Sorbian.⁶

⁶ See footnote on p. 233.

INDEPENDENT POLITICAL ACTIVITY

Citizens who seek to participate independently in the political life of the German Democratic Republic suffer punishment ranging from interrogations to imprisonment to exile. The only lasting independent movements that have involved more than a handful of people and have not been crushed immediately by the regime have had close ties to the Evangelical Church.

The one exception to this pattern is the independent human rights group, *Menschenrechte DDR* ("Human Rights G.D.R.") which first emerged in early 1985. In January 1985, this group sent an open letter to Honecker on the occasion of the beginning of United Nations Youth Year. Like the Czechoslovak Charter 77, this group appended the addresses of three sponsoring activists to the letter: Ralf Hirsch, Peter Rolle and Peter Grimm. The letter called for freedom of expression, assembly and movement and freedom from religious and ideological discrimination.

Menschenrechte DDR issued several further letters, including a Petition for the World Festival of Youth in July 1985 and an appeal to the G.D.R. official peace council proclaiming solidarity with the unofficial Soviet Group to Establish Trust in September 1985. Another September 1985 document was devoted to freedom of movement. Its 17 signatories announced in that document, "It is unacceptable that we should receive our rights only as a favor granted to us, provided that we refrain from independent political activity." Thus they reject any trade-off of one right for another. To date the G.D.R. authorities have not taken any action against the members of *Menschenrechte DDR*.⁷

In recent years an independent environmental movement has emerged in the German Democratic Republic. Like the independent peace movement, it has found partial refuge in the Evangelical Church, which provides some information on environmental conditions in the country and has initiated "auto-free Sundays," ecologically-oriented church services and landscaping activities.

The authorities have treated independent environmental activists harshly. In 1985, environmentalist Udo Zeitz was sentenced to 3½ years in prison for "defamation of the German Democratic Republic" after protesting official G.D.R. environmental policies and the authorities' refusal to let him and his family emigrate to the West. Prior to applying to emigrate, Zeitz had sought to form an independent environmental advocacy group, "Progress," in the German Democratic Republic. Zeitz's daughter reportedly had suffered ill health from chemical spraying in the German Democratic Republic.

THE GERMAN DEMOCRATIC REPUBLIC AND THE CSCE PROCESS

The German Democratic Republic took four steps after the conclusion of the Madrid Conference to manifest its intention to fulfill commitments made at that Conference. First, it published the entire text of the Madrid Concluding Document in the official legal gazette and the party newspaper, *Neues Deutschland*. In September

⁷ See footnote on p. 233.

1983, it published a new law creating an office of foreign cultural centers to oversee the German Democratic Republic's participation in exchanges. Later that month the regime modified its mandatory minimum currency exchange requirement by exempting children up to the age of 14. Still later in September, it issued a new ordinance slightly liberalizing official policy on permanent family reunification and binational marriages.

The G.D.R. regime has learned to use emigration to its advantage, exiling those who challenge the system. And it has learned how to coexist with an independent church which knows the limits on its participation in the life of the state. But it has not learned to react to independent activity among citizens with anything but persecution. This remains the area in which the G.D.R. regime best demonstrates that it complies neither with the letter or the spirit of Helsinki.

HUNGARY

INTRODUCTION

While it does not allow full freedom of political, religious and social expression, Hungary continues to have a relatively positive record in the implementation of Principle VII. Hungarian citizens are given opportunities for travel abroad, including to the West, and enjoy certain benefits from the economic decentralization which has taken place. Within certain bounds, they can voice constructive criticism. Writers and artists have gained more latitude in their work, and religious denominations generally have access to Bibles and other religious materials.

At the same time, these positive aspects of Hungary's compliance with the human rights provisions of the Final Act and the Madrid Concluding Document are treated by the Hungarian Government more as benefits to be granted or taken away than as rights to be protected. In addition, they have come at a certain price. Participation in the political process can take place only under the terms set by the Hungarian Socialist Workers Party (HSWP). Any direct challenge to the regime, particularly in the form of questioning the legitimacy or the authority of the HSWP or the Soviet presence in Hungary, is not tolerated. And the expression of religious belief or of views bordering on the unacceptable may limit an individual's advancement in government, industry and the professions.

Generally, the Hungarian population is reluctant to seriously and openly oppose the basic premises of the political system itself. The trauma caused by the 1956 Revolution and the crackdown in the years which immediately followed still have a strong effect on Hungarian society. As the situation improved in the 1970's, a form of self-censorship developed so as not to risk losing what liberalization had taken place. Given this largely passive, apolitical attitude, the Hungarian Government does not feel the need to resort to blatant forms of repression in the face of oppositionist opinion. Instead, more subtle measures are employed to counter dissent, such as denial of permission to travel abroad, periodic house searches, detention, fines and employment difficulties.

Despite a relative tolerance on the part of the Hungarian authorities, the situation has worsened since late 1982 due to a crack-down on the activities of dissident intellectuals. These individuals, who engage primarily in independent, *samizdat*, publishing, have become increasingly active since the late 1970's in exercising the rights guaranteed them in the Helsinki Final Act. The authorities have responded with stepped-up measures, usually the ones mentioned above but also more blatant forms of repression, including a police beating of one individual who was then tried for assaulting the officers responsible (the first trial of a dissident in Hungary in over 10 years), a form of house arrest for another individual, and periods of general harassment for others.

While individuals generally are allowed freedom of religious expression, conscientious objectors to military service continue to be imprisoned, and those who openly oppose close cooperation between the church hierarchy and the state occasionally are harassed by authorities.

CIVIL AND POLITICAL RIGHTS

While the Hungarian Government's performance concerning respect for civil and political rights continues to be positive relative to the other East European states and the Soviet Union, the ability to exercise these rights is qualified by article 54 of the Hungarian Constitution which provides that the rights of Hungarian citizens are to be exercised "in accordance with the interest of Socialist society."

The most visible actions taken by the Hungarian Government in violation of its Principle VII commitments are those against dissident intellectuals, most of whom live in Budapest. These individuals usually are harassed through intimidation and administrative measures. For lesser known individuals, however, especially those who live outside Budapest, it is possible that the harassment may be more severe. For example, an article in the February 1984 edition of *Magyar Jog* (Hungarian Law) by Dr. Lajos Kovacs, a professor at the Hungarian Police Officers Academy, claims that about 50 citizens are convicted annually for "incitement and harming the public interest," a charge which is often used to encompass political offenses. In examining 420 cases involving 570 accused offenders, the "crimes" included "a need to disseminate views," "wishing to protest certain measures," "criticism," and "spreading the broadcasts of RFE (Radio Free Europe)."

The Opposition. There is a group of dissidents in Hungary who refer to themselves as the "democratic opposition" and who have been increasingly active in recent years. This is not a formal group, and its members represent a broad spectrum of thought. The principal activity of the individuals involved is the publishing of *samizdat* journals and books. In this regard, they claim to represent a "second public opinion" by presenting alternative thoughts on, as well as possible solutions to, issues such as human rights and the quality of life in Hungary, environmental issues, the plight of the Hungarian minorities in neighboring Romania and Czechoslovakia, the 1956 Revolution and its official treatment, and events in Poland.

Originally, the unofficially-published material was represented by a small number of typewritten manuscripts which were circulated discretely among a limited number of trusted friends and acquaintances. The early 1980's witnessed the development of *samizdat* publishing into a few fairly well-established publishing houses, the most well known of which is AB Independent Publishers. The unofficial publishers have published several dozen officially-banned books from the West, such as works by George Orwell and Arthur Koestler, as well as specific works by Hungarian poets, novelists and other writers banned from official publication.

In 1981, several new *samizdat* journals appeared, including *Magyar Fiegyelo* (Hungarian Observer) and *Kisugo* ("Outformer," as opposed to "Informer"). In October 1981, the journal *Beszelo* (Speaker, or Prison Visit, connoting free speech in a place where free speech is forbidden) appeared in 1,000 copies, 2,000 copies for some later issues. It has become the most popular and sophisticated of the journals. To make this increasing amount of *samizdat* available to anyone interested and not afraid to obtain it, an independent bookshop, the "Samizdat Boutique," was opened in February 1981 in the downtown apartment of Laszlo Rajk. Rajk, a well-known member of the democratic opposition, reported that approximately 150 to 200 people visited the "Boutique." The increased number of *samizdat* material and the improved means for which it was disseminated led to a considerable increase in readership of many thousands.

Throughout 1982, there appeared several signs that the Hungarian Government would not tolerate the increasingly open activities of the democratic opposition. In June 1982, several members of the democratic opposition—the founders of AB Independent Publishers, Gabor Demszky and Jenő Nagy; two *Beszelo* editors, Ferenc Kozseg, and Janos Kis; and Andras Nagy—were subjected to continuous police surveillance. They were harassed to such a degree that 20 leading Hungarian intellectuals felt it necessary to send a petition to the Procurator General of Hungary, stating that "whatever opinion the persons mentioned above may hold, they have been subjected to ill-treatment for expressing their belief in the values of opinion and freedom of speech. . . . We respectfully request the Procurator General . . . to enforce the principles laid down in the Constitution of the Hungarian People's Republic, and not allow the repetition of such incidents to produce fear and anxiety among the public." Later that summer the harassment ceased, although in August Gabor Demszky was fined 4,000 forints for operating the publishing house without official permission.¹

Several warnings to the democratic opposition soon followed. On October 8, 1982, Istvan Horvath, Hungarian Interior Minister, delivered a speech to the Hungarian Parliament, in which he distinguished between the misled but well-intentioned critics who could be convinced by further discussion, and the committed opponents of the regime, against whom the state could and might have to take action. A more ominous attack came on December 11, 1982, in the leading HSWP newspaper *Nepszabadsag*, which contained an arti-

¹ See footnote on p. 233.

cle entitled "The Game is Not Played for Peanuts." Written by Peter Renyi, the paper's deputy chief editor, the article alleged that the opposition was serving, whether intentionally or not, the interests of the "imperialist headquarters" in the West, whose strategy is to "support destructive dissident groups that disseminate bourgeois nationalism and the ideals of the capitalist world within the Socialist camp."

Three days later, on Tuesday, December 14, just before Laszlo Rajk's "Samizdat Boutique" was to open, several policemen entered the apartment and searched it, taking duplicating equipment and all the *samizdat* they could find. Reportedly, the material confiscated filled two minibuses and one car. The homes of five other dissidents were entered and searched as well, and the total value of the material seized was estimated as nearly one-half million forints. The six—Rajk, Demszky, Geza Buda, Istvan Csorba, *Beszelo* editor Balint Nagy and Miklos Sulyok—were detained for questioning. All were released the following morning, and no charges were brought against them.

One week later, on December 21, the police entered the apartment just as the boutique was about to open and, while not detaining anyone, again confiscated all materials found. The next week, on December 28, the police did not enter the apartment but took the names of those who did, some of whom were questioned later by the police. Then, on January 15, 1983, the authorities notified Rajk that he must vacate the apartment in the center of Budapest, which he had inherited from his mother. He was evicted on January 25, reportedly with the assistance of several police officers. He was able to set up the boutique in his own apartment in the outskirts of the city. Although it was harder to reach, Rajk advertised the new location in an issue of *Beszelo*, providing detailed information on how to get there by streetcar. Meetings of the democratic opposition continued, despite continual police surveillance.

The harassment continued throughout the spring and summer of 1983. On March 29, police entered and searched the apartments of six dissidents—Rajk, Demszky, *Beszelo* editors Miklos Haraszti, Ferenc Koszeg, Jeno Nagy and Ottilia Solt (founder of SZETA, an organization created to assist the poor). All but Rajk were charged with violation of the press law prohibiting the publication and dissemination of unauthorized material; the charges were dropped in May. In another incident, Rajk and Demszky were stopped by police on April 7 for a traffic check. When they were told to open their bags and refused, the police drew their guns, ordered them to drop their bags and put their hands on their heads, and took them away for questioning until the early morning of April 8. By May 1, the harassment of the declining number of visitors became so great that Rajk decided to close the "Samizdat Boutique."²

On September 1, 1983, a new decree was adopted which permits the imposition of fines independent of and without appeal to the court system against those engaged in unauthorized publishing activity. The change also increased the maximum fine for violation of this press law from 3,000 to 10,000 forints. In that this is the law

² See footnote on p. 233.

most often used against independent publishers, these changes signalled that more official actions against the democratic opposition could be expected.

On September 24, 1983, less than one month after the close of the Madrid CSCE Follow-up Meeting and a few days after U.S. Vice President George Bush visited Hungary, Gabor Demszky, co-founder of AB Independent Publishers, was stopped by police. He objected when the police began a search of his car without a warrant. When his personal papers were taken (no *samizdat* material was found) and he sought to regain them, an ensuing argument developed into a scuffle resulting in Demszky being so badly beaten with rubber truncheons that he was hospitalized for 3 days with a head concussion. Rajk and two other members of the opposition wrote a letter to the Hungarian chief prosecutor shortly thereafter, calling for an investigation of the incident.

Action against Demszky escalated further on December 21, 1983, when he was put on trial for assaulting the police officers who had beaten him. This was the first time that a dissident had been put on trial in Hungary in 10 years. When more than 100 supporters filled the courtroom, the judge moved the trial to another room which was reportedly sealed-off by police with billy-clubs. Attendance was limited to those with official invitations. Observers from certain human rights organizations and the U.S. Embassy were denied permission to attend. Demszky received a 6-month sentence, suspended for 3 years. Demszky's appeal of the sentence was rejected on May 22, 1984.

Although those active in *samizdat* writing and publishing generally receive permission to travel abroad, the Hungarian Government has on occasion denied such permission to certain individuals because of their activities. In one instance it made such travel conditional on not returning to Hungary. In July 1984, Gaspar Miklos Tamas, a member of the opposition who has been particularly active on the issue of the Hungarian minority in Romania (where he was born), was denied permission to study at Columbia University in New York unless he agreed to accept emigration papers that would prohibit his return following study abroad. In October 1984, the passport of political essayist Pal Szalai was taken away after he attempted to travel to Poland.

Another individual continually denied permission to travel abroad was Gyorgy Krasso, a retired economist who, due to activities in 1956 for which he spent 7 years in jail, has become somewhat of a historian and symbol of the attempted revolution. He repeatedly tried to visit his brother in the United Kingdom but was refused. When he attempted to visit Poland, he was stopped at the border and denied permission to travel to any of the Socialist countries as well.

On June 8, 1984, Gyorgy Krasso was questioned by police for 9 hours in connection with an interview he gave to the *samizdat* journal *Hirmondo* in December 1983, republished in the summer 1984 edition of the British journal *Survey*, on the trial and execution of Imre Nagy, Pal Maleter and other leaders of Hungary in 1956. No charges were made against him, but he was given a police reprimand. Then, on October 18, Krasso was detained and his apartment raided. After *samizdat* material was found and confis-

cated, he was fined the full 10,000 forints for violation of the press law. In the ensuing 2 weeks, five other dissident intellectuals had their apartments raided and were given fines ranging from 5,000 to 9,000 forints.

Actions against Gyorgy Krasso grew more severe on November 22, 1984, the same week that the preparatory meeting for the CSCE Cultural Forum convened. Krasso was given a police surveillance order, a form of house arrest which no court can overturn, pursuant to which he was required to report to the police once a week and forbidden to leave his apartment between 8:00 p.m. and 6:00 a.m. In reaction to these restrictions, 12 dissident intellectuals presented a letter of protest to the delegations at the Cultural Forum preparatory meeting, asking them to "consider this case before reaching any conclusion concerning the state of civil liberties in Hungary." The following month over 300 Hungarians signed a protest of the police order on Krasso. Following his return from the hospital in early 1985 after suffering a heart attack, he continued to be under continual surveillance, with police entering his apartment and taking the names of all visitors.³

A number of police searches also took place in late 1984 and early 1985. In January 1985, for example, a police raid outside Budapest resulted in the seizure of 1,000 copies of an edition of *Beszelo*, approximately 50 percent of the edition's run. In addition, a new legal provision (Decree 48/1984 [XI.21.]) in November 1984, gave the police authority to search an automobile or person without cause (previously they were permitted to ask for identity papers only). Apparently, this new law was in reaction to the incident involving Demszky in September 1983. Another new law in late 1984 (Decree 49/1984 [XI.21.]) required the registration of all duplicators and copiers, with the exception of typewriters. The registration and operation of the copiers have to be checked by the police.

In 1985, a new law (Decree 4/1985 [VII.20.]) came into effect which gave the head of police stations the power to apply coercive measures, such as police surveillance, expulsion or both against any Hungarian citizen or resident alien whose attitude imposes a permanent danger to the Hungarian People's Republic or to the public order or public security. The new law strengthened the terms of a police surveillance order, such as that placed on Krasso, from 1 to 2 years with the possibility of an additional extension of 1 year.

Also, on March 2, 1985, another official warning to the dissidents appeared in the leading party paper, *Nepszabadsag*. In an article entitled "Our Order and Our Policy," Interior Minister Istvan Horvath noted that the Hungarian Government was even willing to risk its liberal image in the West in order to keep the democratic opposition in check, stating: "whoever attempts to act against the country's domestic stability and the achievements of our social order has to realize that the authorities are never in 'recess' and their action is not determined by external impacts. Persons who violate public order will be made aware that they face a firm and

³ See footnote on p. 233.

resolute calling to account proportionate to the seriousness of the action."

Despite these ominous signs, Hungarian authorities appeared to loosen the reins on the democratic opposition as the Cultural Forum approached in late 1985. Harassment of individuals became less frequent. The police surveillance order on Gyorgy Krasso ended in October 1985, just before the convening of the CSCE Cultural Forum. Near the end of the Forum, after years of continual denials, he was permitted to leave Hungary when his brother, who lived in the United Kingdom, was critically injured in a fire that later proved fatal. Krasso has since decided to stay in the West. Many prominent dissident intellectuals who had also been previously denied permission to travel to the West were suddenly granted permission in late 1985 and early 1986, including Gaspar Miklos Tamas.

Other events, however, pointed to a return to tougher line. During the Forum, editor Lajos Jakab was fined 9,000 forints for possession of copies of a book on Soviet-style societies by democratic opposition members Janos Kis and Gyorgy Bence.

On January 16, 1986, police ransacked the home of Jenő Nagy, co-founder of AB Independent Publishers. A number of publications and manuscripts were confiscated following the 7-hour search. On February 26, he was fined for violation of the press law. Two days later he was found distributing copies of *Hirmondo* at the cafeteria of an indoor pool in Budapest. The police took the names of everyone involved, confiscated every copy of the *samizdat* publication, including the 20 copies still in Nagy's possession, and took him to a police station for further questioning. On March 14, the police returned to the pool cafeteria and searched four persons. While they found no *samizdat*, later that night the apartment of one of the four individuals was searched and *samizdat* was confiscated. Nagy's apartment was searched again on March 13 and yet again on April 1. Subsequent charges of violating the press law have resulted in additional heavy fines.

On March 3 and 11, police raided the apartment of Gyorgy Gado, who was fined 10,000 forints for violating the press law each time. Then, on April 1, along with the raid on Nagy's apartment, the police entered another apartment and found Miklos Sulyok and Istvan Csorba printing *samizdat*. All publications of the 16th issue of *Beszelo* as well as all printing and duplicating equipment were confiscated. Csorba and Sulyok were both fined for violation of the press law. Later that day Sulyok was further harassed by police in downtown Budapest.⁴

On March 20, 1986, the Hungarian National Assembly passed a new press law which came into effect on September 1. The law, represents the first comprehensive statutory treatment of matters relating to press for Hungary under Communist rule. Sections of the new law state the need for governmental approval in order to publish, and reinforce the arbitrary right of the police to confiscate unofficial material and to fine those who possess such material.

⁴ See footnote on p. 233.

It is unclear what net effect these actions against the democratic opposition has had on their activities. Despite the continuous harassment, independent publishing has continued. For example, for much of 1983 and 1984, *Beszelo* disappeared. *Tajekosztato* (The Guide) filled the gap for a brief period until it too was stopped. It reappeared in late 1983 under the name *Hirmondo* (The Messenger). In June 1984, *Beszelo* reappeared.

The distribution of *samizdat*, if it has not contracted, has at least become more discrete. With the closing of Rajk's "Samizdat Boutique" in 1983 there was no longer any central location where *samizdat* could be obtained. In addition, the perception created by the treatment of the opposition—that the legal safeguards of individual rights and freedoms are vague, fragile and subject to a changing political climate—probably has increased the hesitancy of some people outside of the opposition to risk the loss of what benefits they have gained over the years in order to assert more fully their rights.

Actions Against Other Individuals. The Hungarian Government has also taken action against other individuals, primarily writers, for going beyond the bounds of what is officially acceptable. Although selective and, at times, censored works of some of these individuals appear in official publications, authors often publish their works uncensored in *samizdat*. The state also targets any individuals employed on the editorial boards of official publications who, in the eyes of the central authorities, do not demonstrate adequate "vigilance" over their publications.

An example of actions taken against these individuals occurred in June 1983. Sandor Csoori, a poet and essayist, wrote a preface to a book entitled *Kutyaszorító* ("Up Against the Wall" or "Cornered"), which was written by the Hungarian minority activist in Czechoslovakia, Mikos Duray, and published in the United States. For writing this preface, Csoori was criticized in the weekly paper of the Hungarian Writers Association and put on a "consultation list" that effectively barred him from publication for a full year. He was also prohibited from travelling abroad.

Refusing to approve the sanction on Csoori, noted Hungarian writer and playwright Istvan Csurka resigned from the Presidium of the Writers Association and ended his membership in that organization. In July 1986, the authorities banned Csurka's work indefinitely from publication in Hungary. The grounds for this action by the authorities was that, during his travel through the United States, Canada and the Federal Republic of Germany in the spring of 1986, he published essays in New York and gave lectures and statements, one of which was broadcast over Radio Free Europe.⁵

Another incident involved Gaspar Nagy, also an officer of the Writers Association. In March 1985, central authorities insisted that he resign, from the Association for a poem he wrote concerning the execution of Imre Nagy, leader of the Government during the 1956 Revolution. A stormy debate followed as Nagy, at first, refused to resign and the President and Executive Secretary of the Association, Miklos Hubay and Miklos Jovanovics, respectively,

⁵ See footnote on p. 233.

both submitted their resignations. The HSWP officials refused to accept their resignations, and eventually Nagy did resign. The Deputy Minister of Culture at the time, Deszo Toth, explained that Nagy's resignation was necessary because the authorities "were worried about the international repercussions. . . . The estimation and standing of the union among our neighbors would have suffered if Nagy remained."

On November 27, 1985, barely 2 days after the Cultural Forum closed in Budapest, Sandor Leszak was accused of "counter-revolutionary activities" and dismissed as the director of the cultural center in the village of Lakitelek. The reason for his dismissal was that he organized an unofficial poetry gathering and exhibition on graphic art on October 22, while the Forum was underway.

Occasionally, even official literary journals can exceed the bounds of the party's guidelines. On October 15, 1982, the representatives from publishing houses and cultural centers were summoned to a "political guidance" briefing session with government and party representatives on cultural affairs, at which the editors of the journals *Mozgo Vilag* (The World in Motion) and *Tiszataj* (Tisza Panorama) were told to resign because both had published articles on the plight of the Hungarian minority in Romania. The editors refused to resign.

Approximately 1 year later, in September 1983, the editor of *Mozgo Vilag*, Ferenc Kulin, was fired on grounds that he had pursued an editorial policy that did not adequately represent Marxist views and presented an "erroneous interpretation of the situation." The reason for the dismissal was the publication in the September issue of *Mozgo Vilag* of an article on Hungary's unprepared Second Army on the Don River in the winter of 1942-43, including pictures depicting the suffering during the winter fighting and letters from the front by Hungarian soldiers. (A television series on the same subject was suddenly suspended earlier in the year.) In protest of Kulin's removal, the entire editorial board of the journal resigned, and the Attila Jozsef Circle (which in the summer of 1981 succeeded the Young Writers' Attila Jozsef Circle dissolved by the authorities in March of that year) approved a resolution protesting the action taken against Kulin, as well as that taken against Csoori earlier in the year. Protests also came from students of several Hungarian universities as well as from members of the democratic opposition.⁶

Despite the difficulty the authorities had in finding a replacement for Kulin, publication of *Mozgo Vilag* continued. The journal again experienced problems with the authorities in August 1984, when the latest issue of the journal was ordered destroyed because it contained reprints of some material written by Leon Trotsky. The August issue reappeared in mid-September 1984 after the Trotsky material was removed.

More recently, *Tiszataj* was closed down completely in July 1986 because of "political errors." The last issue of the journal contained another poem by Gaspar Nagy on the events of 1956, as well as other material not acceptable to the authorities.

⁶ See footnote on p. 233.

Independent Groups and Organizations. Although the Constitution provides for freedom of assembly and the right to form associations, Government approval or tacit acceptance is required for the exercise of these rights. A case in point is the autonomous "Peace Group for Dialogue." Created in 1982 by students, recent graduates, artists and working people, Dialogue was tolerated initially. It organized a number of events: participation in an official peace march (some 450 Dialogue members participated), several public meetings, a lecture by Western activist leaders, and a three-way dialogue among independent and official peace group members and foreign disarmament activists.

Beginning in April 1983, however, the Hungarian authorities began to intimidate the group. Members were prevented from attending an international peace conference in West Berlin in May 1983 and were forced to leave the youth village during the Prague Peace Assembly in June 1983. In July 1983, the Government suddenly cancelled cooperation efforts between Dialogue and the official Peace Council. When 15 pacifists from Western Europe and the United States met with 20 members of Dialogue later that month, the Dialogue members were detained by the police for several hours and warned that they were taking part in anti-state activities. The 15 Western pacifists were expelled. Dialogue was told to cease its contacts with foreigners, and one of the founders was summoned to the Interior Ministry to be questioned on why his organization opposed the Hungarian Government. The membership in Dialogue dropped by several hundred to about 50 members, and, in late July 1983, the remaining members of Dialogue decided to dissolve the group and join the Peace Council. While internal disagreements played a role in the dissolution, the harassment the group received from the authorities exacerbated the internal problems and ensured that Dialogue would never play any significant role.

What remains of the independent peace movement includes small peace "clubs" and groups of former members of Dialogue, and some religious leaders who encourage conscientious objection to military service. A number of individuals in peace groups have been detained, harassed, and warned of press law violations. Other than these groups and few independent peace activities continue in Hungary, and those that do are loosely organized.⁷

Rock groups have been harassed on occasion as well. On May 23, 1984, in the town of Szeged, three members of the Coitus punk rock group, all in their early twenties, received 2-year sentences and one underage member received a 2-year suspended sentence for "incitement against the constitutional order of the Hungarian Peoples Republic and against its international alliance, friendship and cooperation agreements . . . rooted in nihilism and anarchism or, in other words, the desire to create hatred." The sentences were in reaction to lyrics which were critical of Hungarian society and, in songs such as the one entitled "SS-20," which inferred that the Soviet Union was at least equally to blame for the arms race. In December 1984, members of the punk group Public Enemy were

⁷ See footnote on p. 233.

also given 2-year sentences for lyrics critical of communism, even though witnesses stated that the lyrics were in mock English and could not be understood.

Other organized artistic activity has been the target of state harassment. The Club of Young Artists has had material confiscated by the authorities and, on January 30, 1984, its art exhibit in Budapest, entitled "Hungary Can Be Yours," was closed. Tamas Molnar, a founding member of club, has been harassed by the authorities on other occasions.

Several intellectuals, many of them members of the democratic opposition, formed in December 1979 a group called the Foundation for the Assistance of the Poor, more commonly known by its Hungarian acronym, SZETA. The stated purpose of the group is to raise money and provide financial, legal and other assistance for the poor within Hungarian society. Its activities included a 1981 summer camp for Polish children at Lake Balaton in Hungary. In 1983, the group collected the essays, poems and drawings of 37 writers and artists and compiled them into a *samizdat* volume, entitled *In the Dark*, the proceeds of which were donated to the poor. Some of the leaders of SZETA, such as Ottilia Solt and Gabor Demszky, have been the target of apartment searches and other forms of harassment for their activities. While the organization has continued with its works, it has done so more discretely than previously. In November 1984, a group of individuals, including many from SZETA, were not permitted to hold a roundtable meeting on income differentials in Hungary.

Environmental issues have evoked much concern in Eastern Europe and Hungary is no exception. The independent ecological group Duna Kor (Danube Circle) was formed in 1984. On February 8, 1986, the group planned an "environmental walk" from Batthany Square in Buda to Margit Island in a display of opposition to the construction of the joint Hungarian-Czechoslovak Gabčíkovo-Nagymaros hydroelectric dam project on the Danube River. While the leaders of the group had cancelled the march the day before, under pressure from the authorities, about 80 people, primarily Austrians, either did not know that it was cancelled or simply decided to proceed with the march anyway. As the group proceeded toward Margit Island, the police moved in and dispersed the group, reportedly using truncheons on some individuals. One Austrian video camera operator was detained. When the Austrian participants said they would leave Hungary provided this individual was released, the authorities agreed to do so.

On March 15, 1986, the traditional holiday when Hungarians celebrate the 1848 revolution against Austria, police broke up unauthorized celebrations. Following an official celebration at the National Museum, a group reportedly numbering several thousand people walked to the statue of the hero of the revolution, the poet Petöfi, where patriotic songs were sung and poems read. One individual was known to have been detained by police as he attempted to join the crowd. A woman was also detained for much of the day after she attempted to collect money to pay a fine recently imposed on a *samizdat* publisher for violation of the press law. As the crowd moved to several locations in the city to protest the woman's detention, the police made several attempts to break up the crowd.

When a large number of the protesters staged a sit-down protest, the police dragged some away, confiscated the identity cards of others and detained one individual. Later that day, police took additional actions against the remainder of the group, some 700 people, when they attempted to cross the Chain Bridge to go to another location in Budapest. It has been reported that eleven people were detained, four of which were fined for "disturbing the peace."

In October 1985, the International Helsinki Federation for Human Rights sought to hold an independent cultural symposium parallel to the CSCE Cultural Forum in a public hotel room. Authorities refused to permit the Federation to meet with writers in the hotel room. The Hungarian Government reneged on a commitment it undertook during the 1980-83 Madrid CSCE Review Meeting to observe the Madrid precedent for treatment of nongovernmental groups and individuals during the Cultural Forum. However, due to the tenacity of the participants, which included nongovernmental organizations from the West and Hungarian intellectuals, they were allowed to meet in a private apartment.

The New Election Law. A new election law (Law III/1983) was announced in 1983 and first implemented in 1985, which mandates multiple candidacies in every one of 352 parliamentary seats (about 35 seats were to be left unopposed for senior officials) as well as in the approximately 45,000 local government seats. Although candidates are not required to be members of the Communist Party, they are required to accept the platform of the party-controlled Patriotic People's Front.

Despite the promises held out by the new election law, certain members of the democratic opposition were effectively barred from participation in the nominating process. On April 18, when the first step of the procedure to nominate at least two candidates for each office began, about 40 percent of the 200 people present at one Budapest district voted for the nomination of democratic opposition member Laszlo Rajk. At the second meeting for nominations on April 22, the party filled the same district meeting hall to full capacity with party loyalists 2 hours ahead of time, reportedly increasing attendance at the meeting by more than three times. Rajk, who stated that he had accepted the platform of the Patriotic Peoples Front, spoke out on issues such as conscientious objection to military service, Hungarian minorities in other states, and the environment. He and his supporters received mostly jeers, which made the whole affair rather tense. In the end, Rajk received 27 percent of the vote, short of that needed to be officially nominated. This result led one individual to note that the "new electoral law allows candidates to run, and lose."

Another democratic opposition member, Gaspar Miklos Tamas, was not successful in obtaining the necessary one-third of the votes in the first meeting but nevertheless had the opportunity to speak in the presence of a rather prominent candidate, Foreign Minister Peter Varkonyi, on the Hungarian minority problem in Romania and Czechoslovakia and the proposed construction of the Gabcikovo-Nagymaros Dam.

While not actually members of the opposition group, other individual citizens critical of official policies such as economist Tamas Bauer were able to take advantage of the election process. Thus

though the candidates were restricted and most have not been successful in getting elected, a legal platform, however limited, for the expression of other than official points of view has been provided. As Tamas concluded of the election: "Hundreds of thousands of people for the first time in their lives participated in a political something. It's not genuine politics but it's something."

RELIGIOUS RIGHTS

The right of the individual to freedom of religion, conscience or belief is restricted in Hungary. There is, on the surface, good relations between the state authorities and the leaders of the 19 recognized religious denominations. The official line accepts believers and nonbelievers working together in the interests of "Socialist society," and the state attempts to utilize the church as a "transmission belt" in dealing with social problems such as alcoholism, divorce and juvenile delinquency. In practice, the Hungarian churches, unlike those in other East bloc countries, do not serve as centers for dissent. They accept a limited role and accommodate the state in the hope of gaining and maintaining certain religious freedoms. This approach is most visible in the Hungarian Roman Catholic Church's "small steps" policy, initiated by the late Primate of Hungary, Cardinal Laszlo Lekai.

For the unrecognized faiths, there are, on occasion, additional difficulties. In May 1986, plainclothed police broke-up a worship service of the 30-member congregation of the Faith Christian Fellowship in the town of Zalaegerszeg.

Professing religious beliefs can limit a person's advancement in government and in high-level positions generally. In addition, the number of church-sponsored schools and the hours of religious instruction for young people are restricted. In recent years, however, these restrictions may have become slightly less severe in certain instances, reflected by an agreement with the Catholic Church in late 1985 permitting laymen to teach catechism in church buildings and to assist priests in parish works (An earlier understanding that trained laymen could teach catechism in Hungarian schools was rescinded by the authorities.).

Access to Bibles and other religious material, as well as contacts with co-religionists in other states, are relatively good. In recent years, there have been reports of additional publications of Bibles within Hungary. Bibles in Hungarian braille are also available. Some established faiths publish their own periodicals and newspapers, although such material is subject to the same censorship as are other publications. In late 1984, however, it was reported that government officials reduced the circulation of the Catholic weekly, *Uj Ember* (New Person), by about 10 percent.

Among the positive developments in recent years is the establishment by the Catholic Church of a Jesuit-staffed center for meditation, the first Jesuit facility in Hungary since the order was officially prohibited by the Government in 1950. In early 1986, Cardinal Laszlo Lekai announced that a new order of sisters would be established in Hungary to engage in social work such as caring for the elderly or working with the youth. Hungary is also home to the only rabbinical seminary in the East bloc.

In late July 1984, the World Lutheran Federation met in Budapest and elected Bishop Zoltan Kaldy its president. While the Federation generally seemed to view the situation of religious believers in Hungary to be good, some delegates have accused the Lutheran hierarchy of too close collaboration with the state.

Within the Roman Catholic Church, the largest of Hungary's faiths, there is a so-called "basic communities" movement which also charges that the church hierarchy is "collaborationist." The church hierarchy has not been supportive of this movement. While many sources quote the number of members of the basic communities at less than 10,000 (some Hungarian bishops have stated that there are only 2,000 to 4,000 people associated with the movement), others state that a large influx of young people have swelled the ranks to between 10,000 and 30,000. In June 1982, Cardinal Lekai and the Bench of Bishops denied the leader of a federation of basic communities, Father Gyorgy Bulanyi, the right to say Mass, preach, or administer the sacraments. Action was taken against several of his followers as well.

The actions by the church leaders in opposition to, rather than in support of, the basic community members has enabled the state authorities to take only limited action themselves. Nevertheless, on June 6, 1984, for example, Kathpress news agency reported that Hungarian police confiscated 119 volumes of a collection of prayers and theological writings by members of the basic communities and charged two individuals, Ignac Kiraly and Jozsef Merza, with violation of the press law.

Conscientious objectors, including those belonging to the basic communities movement, continue to be tried and sentenced for refusing to do military service, although some individuals who are members of certain smaller religious groups, such as the Nazarenes and Adventists, reportedly are offered alternative service. While the State Department reports that there are currently 10-15 individuals serving prison terms of 1 to 3 years in 1985, some sources claim the number to be significantly higher. One Catholic pacifist, in a letter to the Budapest Cultural Forum, claimed that there are as many as 150 pacifists in Hungarian prisons. It is believed that individuals from the Roman Catholic and other religions which do not explicitly forbid military service receive harsher treatment for seeking other than military service. There are also a few known cases of individuals serving in the military who have been punished for attending Mass by being placed in solitary confinement.

ETHNIC AND NATIONAL RIGHTS

As a general rule, ethnic and minority rights are not a significant problem in Hungary. Members of minorities such as Germans, Slovaks, and Serbs have full legal equality.

Representing as much as 5 percent of the country's population, or about 500,000 people, Gypsies in Hungary are the largest of the minority groups. Gypsies are not recognized officially as a minority group but as an ethnic group on grounds that about three-fourths of them speak only Hungarian. Although there is considerable popular prejudice against Gypsies, who tend to hold the lowest-paying

jobs and have an unemployment rate of 10-20 percent, the Government claims to assist the Gypsies economically.

There are an estimated 100,000 Jews in Hungary, of which about 15,000 are thought to be practicing. In Budapest alone, there are 30 synagogues and prayer houses. The Central Council of Hungarian Jews (MIOK), which organizes Jewish activities in Hungary, publishes its own biweekly newspaper, *Uj Elet* (New Life), and runs both a Jewish retreat on Lake Balaton and a retirement center. In 1984, a number of conferences were held in Budapest on the Jewish Holocaust. In May 1984, the Hungarian Government improved the ability of Hungarian citizens of Jewish descent to travel to Israel and for Israelis to travel to Hungary.

There seem to be few, if any, problems unique to the other minority or ethnic groups, which include Romanians, Slovaks, Serbs, Croats and Slovenes. Romanians are the smallest of the minorities; numbering between 20,000 and 25,000, only about 50 percent claim Romanian as their native language. Cultural life is organized by a Democratic Federation of Romanians in Hungary. There is bilingual education opportunities, radio and television programs in Romanian, and several Romanian language libraries. For the approximately 110,000-strong South Slav groups, there are several bilingual schools. Bilingual education was introduced in five more elementary and secondary schools in 1985 alone. In addition, there is the Serbo-Croatian paper, *Narodne Novine*, published by the Democratic South Slav Association of Hungary.

ECONOMIC AND SOCIAL ISSUES

Hungary is well known in the West for the results of its New Economic Mechanism (NEM), which was originally introduced in 1968. The main characteristic of the New Economic Mechanism has been the decentralization of the economy and, to a very small extent, its privatization. Private farming and some private consumer services, while encouraged, are limited by credit and product shortages. Nevertheless, the NEM has helped to prevent the food shortages common in other East European countries and has given Hungarians a relatively high standard of living for the region.

In the late 1970's and the early 1980's, however, Hungary, along with all of the other East European countries and the Soviet Union, witnessed deteriorating economic conditions, primarily the result of external difficulties. While the Hungarian Government embarked on further reforms, it could not prevent the economy from sliding and the quality of life along with it. Income differentials widened, causing those on the lower ends to become increasingly demoralized. An increasing number of people took second jobs, some legal and others illegal, to maintain their current lifestyles as price hikes created an increasing price/income ratio. While such price hikes might have averted food shortages and other economic crises experienced in neighboring countries, it contributed to a perceptible deterioration in the quality of life as demonstrated by a growth in alcohol consumption, high suicide rates, and increases in crime and poverty.⁸

⁸ See footnote on p. 233.

The difficult economic situation created the need for additional efforts at reform. In early 1984, albeit on an extremely limited basis, the purchase of five types of utility and construction bonds were permitted for the first time. The Hungarian leadership claims to be committed to continuing economic reform.

Unfortunately, the recent economic problems have also created some less innovative measures. For example, a decree (19/1984) came into effect in 1984 under which anyone not having regular income or visible means of support such as proof of employment can be labelled a "public menace" and sentenced to 1 year corrective labor. These individuals would have to work at an assigned workplace and live in a corrective facility, although, after working hours they are free to move within the administrative boundaries of their assigned location. The workplace for a male offender is a mine, for a female a leather factory. Earlier this year an official union paper reported that 80 people have been sentenced under this law. One individual has noted that, while it is directed against the poor generally, it has been used chiefly against Gypsies. Prior to the law, a person who has been unemployed for 3 months was subject only to a fine.⁹

Regarding trade union rights, the Hungarian National Trade Union Council (SZOT) is one of the HSWP's mass organizations and is directly controlled by the party. In fact, the chairman of the Council is a member of the HSWP Politburo. While the Council can represent workers' interests within certain bounds, such as the ability to veto the appointment of state-nominated managers and a few other powers at the local and enterprise level, it is more active as a transmitter of official policies to the workers. The Constitution does not provide the right to strike, and there have been only occasional work stoppages on a local level in recent years. In 1985, the National Trade Union Council incorporated some aspects of the new election law into elections within the Council. Despite this increasing openness within its structure, and some increasingly assertive rank-and-file members at the 25th Congress of the Council in February 1986, the Council has continued to function primarily as a tool to mobilize workers to fulfill the state's economic goals.

POLAND

INTRODUCTION

Despite Helsinki and Madrid pledges, Poland continues to violate the human rights and fundamental freedoms of its people. Although the Jaruzelski government released virtually all prisoners of conscience by mid-September 1986 and called for the formation of a consultative social council comprised of representatives from independent elements to advise the Council of State, no genuine dialogue yet exists between the Government and Polish society. The Solidarity Union remains outlawed; its newly formed above-ground national council has been declared illegal by the authorities. An extensive array of repressive legislation passed in the years since the imposition of martial law remains in place as a formidable instrument of social control.

⁹ See footnote on p. 233.

OVERVIEW OF TRENDS SINCE 1982

The previous report ended on a somber note. From the cataclysmic conditions that prevailed in the immediate aftermath of martial law's imposition on December 13, 1981, Poland entered into a bleak period of "normalization," the term Jaruzelski's Military Council of National Salvation (WRON) used to describe an aggressive policy that threatened to reduce the country to a state of leaden conformism similar to that forced on Hungary in 1956 and Czechoslovakia in 1968. The rubber-stamp Parliament (*Sejm*) had outlawed Solidarity and other freely established organizations. Poland was caught in a downwardly spiraling cycle of regime repression, massive popular resistance and harsh regime reaction.

In the years that followed, the Jaruzelski government has, through enactment and enforcement of repressive legislation, tightened the machinery of internal control. On the other hand, it has made calculated gestures—such as successive amnesties and state visits—in an effort to defuse domestic resistance and achieve maximum impact in the West. Meanwhile, Solidarity and the Catholic Church successfully have maneuvered to preserve and assert their respective roles as independent forces within Polish society. And a pervasive opposition culture has emerged.

Just over 1 year after its imposition, the Parliament formally suspended martial law on December 31, 1982. However, the *Sejm* approved a series of attendant regulations creating machinery to facilitate its re-imposition at the will of the Government. With the suspension, the practice of internment without trial ended, and other restrictions were removed. Nearly all internees—announced by the Government to have approached more than 10,000 persons in all since December 1981, with no more than 5,000 reportedly to be held during any one period—were released. But other internal controls were applied. Martial law restrictions were incorporated into the civil and criminal codes, thus "institutionalizing" the ongoing repression. Moreover, pre-martial law restrictions that had not been enforced now were put into practice. On the eve of anticipated opposition events such as street demonstrations, usually timed to correspond with dates bearing a significance in Polish history or for the Solidarity movement, a new form of harassment was employed against former internees and Solidarity activists—special reserve military call-ups followed by incarcerations in punitive military internment camps under inhumane conditions. The practice was discontinued in February 1983. Street demonstrations, though diminishing in size and intensity, still were countered by hostile and overwhelming force by the authorities and resulted in new waves of detentions.

Furthermore, the suspension of martial law did not bring freedom to the estimated 900 persons who had been tried, convicted and sentenced for martial law violations by summary military and civil tribunals, nor did it lead to the release of those under investigatory arrest awaiting trial. People engaged in unofficial publishing and members of the Solidarity Union's clandestine Temporary Coordinating Commission (TKK) were principal targets for arrest and prosecution. Meanwhile, other independent opposition groups formed—both above and below ground—including a reconstituted

Helsinki Monitoring Committee, whose members were forced by repressive conditions to remain anonymous.

Following the successful papal visit in June, the martial law period officially was lifted by an act of the *Sejm* on July 22, 1983. Poland returned to civilian rule, WRON was disbanded and most workplaces were demilitarized. The "lifting" was accompanied by a significant, but conditional amnesty (the first of four large annual amnesties that were to be recorded in the reporting period). The Government engaged in an accelerated effort to create new or remake previously-existing institutions—such as the Patriotic Movement of National Rebirth or PRON, a popular-front organization, and the National Trade Union Alliance, OPZZ, an umbrella group for the new official trade unions—which were advertised as an effort to bring about "national reconciliation" by decentralizing economic and social decisionmaking and eventually to supplant public loyalty to Solidarity and other freely established organizations. The formidable array of repressive legislation kept growing and the independence of institutions of higher learning became a primary target. Throughout, the Government continued its practice of "preventive" detentions of suspected organizers of opposition events.

Beginning with the international attention focused on Poland during the showcase papal visit, which was presented as a demonstration of the close cooperation possible between church and state, the Jaruzelski government began to seek legitimacy from, and consequently, secure improved economic relations with, the international community—an effort that continues to the present. The U.N. Secretary General Perez de Cuellar visited Poland in February 1984 and Poland visibly increased its participation in bilateral and multilateral endeavors, including its activist role at the Madrid Review Meeting as a principal sponsor of the Warsaw Pact's proposal for a Conference on Disarmament in Europe (CDE). At Madrid and other international meetings, Poland took a carefully legalistic approach to its international obligations in the fields of human, civil and trade union rights. It did not cooperate with the International Labor Organization's Special Board of Inquiry that was given the task to investigate violations of ILO Conventions in Poland. And, when the ILO's Governing Body formally took note of the Board's critical findings in late 1984, Poland announced it would withdraw from that organization. At the U.N. Human Rights Commission, Poland remained obstructionist, using procedural obstacles to thwart criticism.

A series of state visits by Jaruzelski to Socialist countries were followed by return visits from his Warsaw Pact counterparts in July 1985 for the 40th anniversary of the founding of the Polish People's Republic (PPR). Official Polish media played up Poland's role in the Stockholm CDE as well as government agreement on debt rescheduling with commercial bank creditors. From late 1984, starting with the visit to Warsaw of Greek Prime Minister Papan-dreou, through 1986, Poland made other bids for international "normalization." In 1985, Italian Prime Minister Craxi, F.R.G. Foreign Minister Genscher, F.R.G. ex-Chancellor and Social Democratic Party leader Brandt and British Foreign Secretary Howe traveled to Poland. Jaruzelski went to New York to address the U.N.